

Planning Student 2

From: Gary Quart <
Sent: Friday, April 19, 2013 12:23 PM
To: McPhail, Delia
Subject: Robinson, Park, Charlton Development ZAC-13-004

Good Morning Delia

I am a resident at 49 Robinson and today received the notice about the possible change in zoning to construct 156 units at Park & Robinson.

When the second tower was increased in size there was an approval for less parking spaces than units. How is parking to be provided for this new tower? There appears to be a loss in green space between the towers. As of today they are digging deeper as if they plan two levels of underground parking. Is this the plan and **has the city issued a building permit** for this second level?

Could you help me understand the planning principles that can take a fairly nicely planned project to be doubled in size from the originally planned project?

I have thrown away my notice to the addition of 2 floors on the second building. Is it available on the city's website/ Or how may I get a copy?

Thanks for your assistance.

Gary & Merle Quart
1101-49 Robinson Street,
Hamilton, ON, L8P 1Y7

217 Park Street South
Hamilton, Ont. L8P 0A2

April 20, 2013
Via email

City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design – West Section
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Attention: Delia McPhail

Dear Ms. McPhail,

Re: 85 Robinson Street, 220 Park Street South and 90 Charlton Avenue West
File No: ZAC-13-004

I have been a proud owner of my 3 story town house at 217 Park St. South since it was built 7 years ago and I am outraged at the letter of April 18, 2013 "Notice of Complete Applications and Preliminary Circulation to amend the Zoning By-law" which requests an amendment to the zoning regulation in order to allow the construction of a 17 storey building, having 156 dwelling units, to be located at the southwest corner of Robinson Street and Park Street South. This is a gigantic change from the original requests (July 14, 2008 & June 2, 2009) which indicated plans for a 4 story building containing 24 units. I am therefore writing to register my formal objection to this latest request.

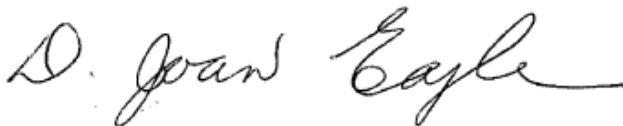
As a townhouse owner directly across the street from the planned edifice at 220 Park Street South I am afraid that this amendment would have a devastating effect on my property value and quiet environment. The 17 story tower and narrow front setback from the street would drastically reduce and perhaps completely eliminate the amount of direct sunlight on my property affecting my front gardens and sense of well-being. I am also concerned that the property value would be negatively affected as no one would want to live in a house that is dwarfed by huge buildings both front and back. To add to this, the highly concentrated numbers of people from a 17 story building with 156 units would create increased street traffic and noise levels, not to mention the augmentation of street parking issues in this already highly populated residential area.

File No: ZAC – 13-004 (Cont'd)

In summary, over the past 5 years the Owner, New Horizon Development (City Square) has submitted several Applications for Minor Variances to the above-named properties on Charlton, Robinson and Park Streets (Ref. Applications of July 14, 2008, June 2, 2009 & April 18, 2013). Each Application requested INCREASED numbers of units and DECREASED front and rear yard setbacks, DECREASED landscaping and Open Space, and DECREASED visitor parking spaces. The continual increases in the number of units being requested by the Owner combined with the requests to decrease the facilities necessary to accommodate these increases is a major concern. These requests amount to an overall INCREASE of 182 units and 15 stories since the Owner's initial Notice of "Complete Application and Preliminary Circulation". In particular, for reasons cited above, the Application for 220 Park St. South dated April 18, 2013, is the one to which I have the strongest objections as this new request would increase the size of the tower from 4 to 17 stories and the number of units from 24 to 156!

I am therefore respectfully requesting that city staff and council deny this application.

Yours sincerely,



D. Joan Eagle, B.Sc.N., M.N., M.Sc.
Associate Professor (ret), McMaster University
217 Park St. South,
Hamilton, ON, L8P 0A2

cc. Councillor Jason Farr, Ward 2
P. Mallard, Director of Planning, Planning Division
S. Robichaud, Manager, Development Planning, Heritage and Design
Janice Brown, President, Durand Neighbourhood Association

April 22, 2013

RECEIVED

MAR 24 2013

Delia McPhail, City of Hamilton
 Planning & Economic Development Dept
 Development, Planning Heritage and Design West Section
 71 Main St. West 5th Floor
 Hamilton, Ont. L8P 4Y5

Dear Ms. McPhail: Re: FILE 3 ZAC-13-004

This is my letter of record to say that I am opposed to the construction of a 17 storey building on the southwest corner of Robinson Street and Park Street South. It will do nothing to enhance the DuRand Community "Heritage" appearance and parking will be horrendous.

I moved to 49 Robinson Street in 2009. My daughter had been concerned as to the type of building being proposed to be built on the historic Thrush Club site and was told by the city that it would consist of three structures and the design would be in keeping with the neighbourhood. I have enclosed a copy of the picture of it that I naively thought was the one to be built. Absolutely stunning!

I was impressed with the integrity of the architect's concept in keeping his design in harmony with the DuRand community. To me it looked like a beautiful art piece surrounded by green space further enhancing the area and despite losing the beautiful view of Central Presbyterian Church's bell tower from my window, I could live with this artfully designed project next to me. Had the architect kept to the original plan, I think the building would have had that historical look that makes a great background for those movie sets.

Then comes the construction of an 11 storey building instead of 9 and an ugly industrial type roof on top in addition to proposing another building of 17 storeys. Needless to say, I am not impressed, so much for keeping the "Heritage" look in our DuRand community.

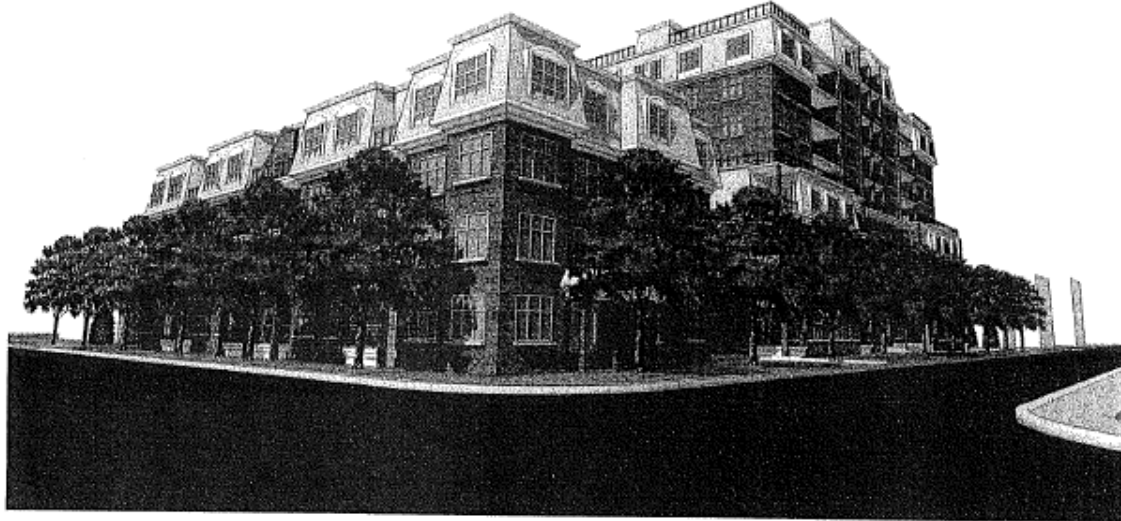
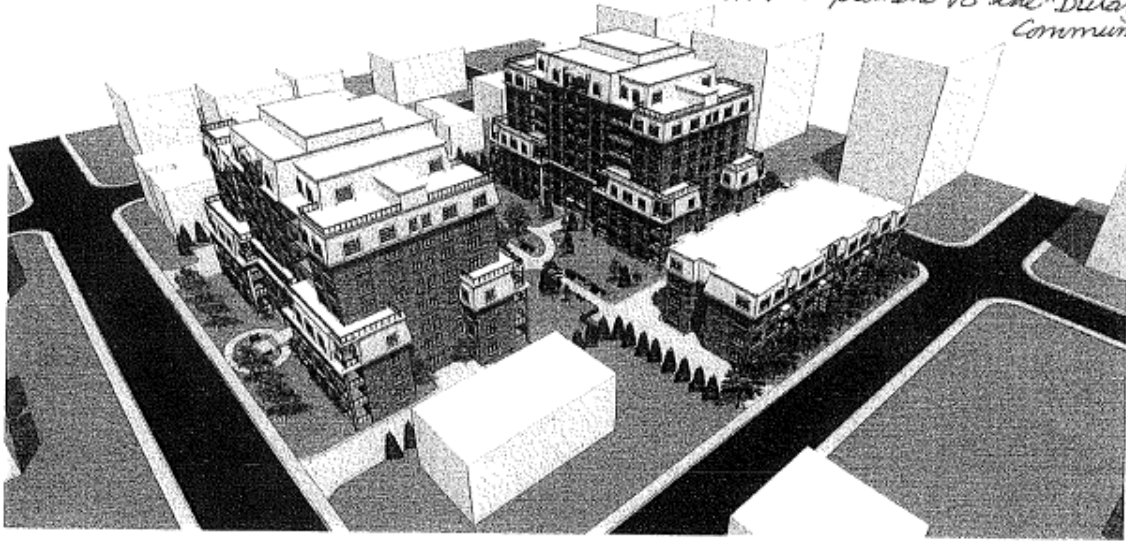
Sincerely,

Pat O'Hara
 #901-49 ROBINSON ST
 Hamilton, Ont.
 L8P 1Y7

City Square Parkside Condos (Hamilton, Dundurn Edge, 4-9s, Lintack)

*- I naively thought this
was the building under construction
a perfect "Heritage" building
and complement to the "Dundas"
community.*

15/06/11 12:25 PM



*Very stylish and slick but not
a "Heritage" building*

City Square Parkside Condos (Hamilton, Dundurn Edge, 4-9s, Lintack)

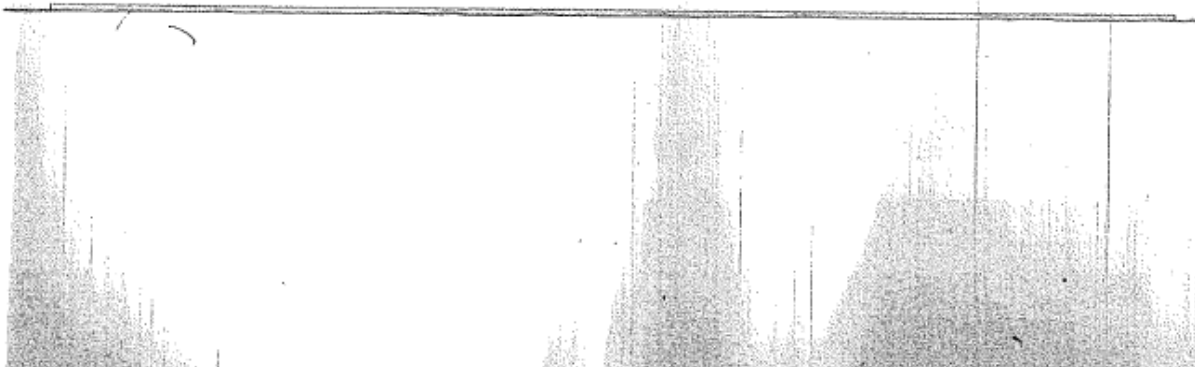
15/06/11 12:25 PM



courtesy: Steeltown @ SkyScraperPage.com source

Sales Centre to open on May 27th.

Reply With Quote



Planning Student 2

From: Marilyn Helwig < >
Sent: Tuesday, April 23, 2013 11:54 AM
To: McPhail, Delia
Subject: Fwd: File No. ZAC=13=004

Begin forwarded message:

From: Marilyn Helwig < >
Date: April 23, 2013 11:48:38 AM EDT
To: delia.mcphail
Cc: Jason Farr < >
Subject: File No. ZAC=13=004

I am writing with reference to your recent letter concerning 220 Park St. S., etc. Is this another done deal? I was at the last meeting in relation to 85 Robinson Street, and additional units were approved in a matter of 5 minutes. I can't help but feel that New Horizon Development (City Square) had every intention of increasing the number of units from day one. Our roads have been a mess since construction started some time ago and will continue to be a mess until construction is complete. It is my understanding that mud etc created by the construction company were to be cleaned regularly. This was not done. How many parking places have been allocated in this new proposal? How many visitors parking spaces allocated? Traffic is already a nightmare in this area and with 156 additional units will become worse, if possible.

Yours truly,

Marilyn Helwig,
201 - 49 Robinson St.,
Hamilton, On.
L8P 1Y7

Planning Student 2

From: Barbara Howard
Sent: Tuesday, April 23, 2013 12:52 PM
To: McPhail, Della; Robichaud, Steve; Jason.Farr@hamilton.co; president@durandna.com
Subject: 17 story condominium corner of Robinson and Duke Streets

I have lived in the Durand Neighbourhood on and off for the last 40 years.

It is a wonderful section of the city and I enjoy the combination of old and new, tall and small.

The original proposal by Mr Paikin(2009) shows two condominium towers and a townhouse structure. In 2011, the plan was amended to add additional floors to the second tower.

Now in 2013, Mr Paikin is requesting a change from the townhouse section to a third tower of 17 stories(plus additional height to house machinery)

I heartily endorsed plan A- I was uncomfortable with plan B but I am shocked and outraged with plan C.

If the City approves this amendment in the Durand Neighbourhood, I can't wait to see how the developers run away with building in Pier 7 and 8.

Does the City of Hamilton have a vision for the Durand Neighbourhood or do the developers submit plans and change them at will.

Who makes the decision?

The homeowner in this area is the only one without a voice.

Barbara J Howard

701- 49 Robinson Street

Hamilton, Ontario

Planning Student 2

From: S. Black >
Sent: Tuesday, April 23, 2013 3:46 PM
To: Farr, Jason; McPhail, Delia; Robichaud, Steve
Subject: New Horizon rezoning application for park St site

From: Sandra and John Black
49 Robinson St. Apt.700
Hamilton, Ontario
L8P 1Y7

We are writing to oppose, as strongly as possible, the approval of this change from "**24 units maximum, 4 storeys maximum height**" (as approved in 2009) to "**a 17-storey building, having 156 dwelling units, to be located at the southwest corner of Robinson St and Park Street**" (as stated in the documents we have just received).

The first building of the three originally proposed on the site, is almost complete. It is 9 storeys of living space but has a huge roof, presumably holding building engineering, which adds at least 3 storeys to the building.

The second building, recently started, was given approval last fall to increase to 11 storeys from 9. This means it will be about 14 storeys high if it follows the same pattern as the first.

Nowhere in the current communications that we have received does it even mention that this new and monstrous building of 156 units would replace one with 24 units.

This building would have a huge impact on all of the units at 49 Robinson St since its 20 storeys would substantially darken all the rooms on the west side. We would never have purchased our condominium if we had known of this possibility.; we knew of the town house approvals.

The density of apartment buildings in the neighbourhood is already excessive. We are almost up against a 16-storey building, to the east. Immediately across the street to the north, there are four apartment buildings, with more in sight beyond.. To the west, where this is proposed, we can see at least 15 apartment buildings from our sunroom, which would no longer have any sun if this is approved.

Traffic and parking in the area are already problematic at any time of the day. I believe New Horizon added some parking to their plans for the second building when asking for the further two storeys. There is no mention of parking or traffic issues for this new proposal but they are major. On the drawings we have received, the only ramp to and from parking seems to be under the first building and is on Charlton, a hugely busy street at any time of the day.

We strongly urge the City to refuse this request for an amendment to the Zoning By-law.

Thank you for further consideration.

Sandra and John Black

Planning Student 2

From: Dave White
Sent: Tuesday, April 23, 2013 9:05 PM
To: Farr, Jason
Cc: McPhail, Delia; Robichaud, Steve
Subject: City Square - 17 Stories?

Hi Jason!

To even briefly contemplate 17 stories in that part of Durand is simply ridiculous.

David White
193 Queen St S

Planning Student 2

From: Frances Murray
Sent: Wednesday, April 24, 2013 6:27 PM
To: McPhail, Della; Robichaud, Steve; Farr, Jason
Cc:
Subject: 85 Robinson

Please add my name to the list of residents in Durand who object to the application to build a 17-storey building at 85 Robinson (SW corner of Robinson and Park).

This proposal is in direct conflict with the outcome of the long, difficult negotiations the Durand Neighbourhood Association engaged in to keep the density of this space within reasonable limits. Seventeen storeys is too high for this area of Durand and will be out of place compared to the surrounding low-rise residential area.

The developer should return to the original, approved plan to have a set of low-rise street townhouses on this lot.

Frances Murray
225 Caroline St S
Hamilton L8P 3L5

Planning Student 2

From: Susan Dudzinski
Sent: Thursday, April 25, 2013 8:22 AM
To: McPhail, Della
Cc: Robichaud, Steve;
Subject: Re: New Horizons 17 storey building

Dear Mr. Farr:

This has gone too far..."a 17 storey building"...this is ridiculous and horrendous!!!!

If we don't nip this in the bud, who knows what lengths their demands will go to.

WE MUST STOP THIS NOW!!!!!!!!!!!!!! HOW IS THIS ALLOWABLE...

I live across the street on the corner of Park and Robinson and strongly oppose the development of this potential request!

Susan Dudzinski

Re: The Durand Neighbourhood Association has posted a new item, 'New Horizon Homes City Square' New Horizon Homes and City Square Corporation have posted a sign at the corner of Park and Robinson.

They are proposing " to amend the zoning regulations to allow the construction of a 17 story building, having 156 dwelling units, to be located at the southwest corner of Robinson Street and Park Street South."

Planning Student 2

From: S. Black
Sent: Thursday, April 25, 2013 1:50 PM
To: McPhail, Delia
Subject: City Square Requested Zone Changes

Ms. McPhail,

I am just writing for some clarification regarding comments to City Hall staff about these proposals. It's been suggested by one tenant that, based on her previous experience, when it says "written comments" it means "handwritten," not typed on a computer or in an email. Since your notice of April 18, 2013 gave your email address, I assumed that that was acceptable. Would you mind clarifying that for us, please.

We, in Apt. 700 at 49 Robinson St., sent an email to the Durand N.A., Jason Farr, S. Robichaud and you in Planning. Would you tell us if that meets the requirements for official communications on this matter, please and thank you. This is extremely important to the residents in our building who will be most affected by this huge change to what has been planned and documented up until now.

Thank you.

Sandra Black

Owner of 219 Park Street South
C/o 1391 Lakeshore Road
Burlington, Ontario
L7S 1B1

Telephone:

April 25, 2013
Via email

City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design – West Section
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Attention: Delia McPhail

Dear Ms. McPhail,

Re: 85 Robinson Street, 220 Park Street South and 90 Charlton Avenue West
File No: ZAC-13-004

Further to the April 18, 2013 "Notice of Complete Applications and Preliminary Circulation to amend the Zoning By-law", we would hereby like to register our formal objection to the application to amend the zoning regulation to allow the construction of a 17 storey building, having 156 dwelling units, to be located at the southwest corner of Robinson Street and Park Street South.

We own a townhouse in the three (3) storey townhouse strip directly across the street, southeast corner of Robinson Street and Park Street South, and this amendment would have devastating effects on our property values and quiet enjoyment.

The owner, New Horizon Development (City Square) continues with ongoing Applications for Minor Variances for DECREASED front and rear yard setbacks, on Robinson Street, Charlton Street and Park Street, DECREASED landscaping and Open Space, DECREASED visitor parking spaces adjacent to a Residential District and the sheer number of requested units by the Owner has continued to increase with ever decreasing facilities to provide for this amount of units.

July 14, 2008 We received notice from the City of Hamilton

Block 1 (fronting Charlton Street)	9 storeys	62 units
Block 2 (fronting Robinson Street)	9 storeys	62 units
Block 3 (fronting Park Street)	4 storeys	<u>24 units</u>
		148 units

June 2, 2009 We received notice from the City of Hamilton

Block 1 (fronting Charlton Street)	9 storeys	80 units
Block 2 (fronting Robinson Street)	9 storeys	80 units
Block 3 (fronting Park Street)	4 storeys	<u>32 units</u>
		192 units

April 18, 2013	We received notice from City of Hamilton		<u>Increase of</u>
	Block 1 (fronting Charlton Street)	9 storeys 75 units	13 units
	Block 2 (fronting Robinson Street)	11 storeys 99 units	37 units
	Block 3 (fronting Park Street)	17 storeys <u>156 units</u>	132 units
		330 units	

That is an increase of 182 units since the Owners initial Notice of "Complete Application and Preliminary Circulation".

Our property is situated on the southeast corner of Park Street South and Robinson Street with a 12 storey building immediately adjacent to our rear (east) and this proposed 17 storey building immediately adjacent to the west on the southwest corner of Park Street South and Robinson Street. Between these two buildings our 3 storey townhome would be overshadowed for the majority of the day, which would have serious effects on our health and right to sunshine.

To add to this we are also concerned about the traffic impact, parking concerns, noise and the sheer numbers this will add to an already highly populated area, especially with all of the variances already granted such as the decreased parking, decreased front and rear setbacks, decreased landscaping, etc. etc.

I would bring to your attention the obvious fact that our property values will be drastically reduced by such an increase of height and sheer number of units within this development (182 units in 4 years) while enriching the developer who has already had huge increases in coverage from his initial application and hence increased profit from his initially acceptable profit projections.

This further application to increase this block from the initial 24 units to 156 units is an outrageous proposal. This will put the total increase from their initial application from 148 units to 330 units!

We do hope staff and council understand and agree with our concerns and deny this application.

Yours truly,



Kirstin Godsave

cc. Councillor Jason Farr, Ward 2
P. Mallard, Director of Planning, Planning Division
S. Robichaud, Manager, Development Planning, Heritage and Design

-----Original Message-----

From: Reenie White

Sent: Thursday, April 25, 2013 7:47 PM

To: Robichaud, Steve

Subject: "New Proposal for 17-Storey Bldg. Robinson/Park Sts."

To: Steve Robichaud, lead planner on application from developer to build a 17-Storey Building at Park and Robinson Sts.

I read the info from the DNA that Jason Farr, our Ward '2' City Councillor met with you as the lead planner, to discuss with you how the residents in Ward 2 are concerned about this application from the developer (Paikin) to build a 17-Storey Building at Park and Robinson Sts.

I have lived in the area for 26 yrs and when I first moved here I loved the fact that the Durand neighbourhood was classified as an historical area and there were laws to preserve its heritage. I am already disappointed with the decision the City made allowing this developer to build the 2-condo buildings on the site of the former Cricket Club, which in my opinion and others (I have spoken with) that the buildings are esthetically unattractive to the neighbourhood and do not add any character to the Durand area as we need it...an older historical community. Now you are considering allowing this same developer to build an even larger building in the same area. We are not living in Toronto whereby you have all these tall cement condo buildings lining the lakeshore that have created this high wall that blocks the view of the water and other scenery. **"I am asking you to please not consider such a building for our area"**. As well, Mr. Robichaud you should walk around our area at Robinson and James St. as the trucks that are carrying all the earth away from this site has created a mess on our small street. A couple of weeks ago our street was flooded with mud after we had all those days of rain as the trucks carrying the earth has been flying out of the trucks onto the pavement and crevices forming in the pavement from these large trucks accessing our street to get onto James St. S. I have observed several large trucks daily driving from this site down Robinson St. and turning right onto James St. S. Maybe you would like to have a word with this developer to be more mindful of the residents that have lived in the area a long time and that he is coming into our community and creating a mess on our street. We had the same problem with the developer that built those townhouses across from the condo site. I look forward to your reply and hoping you will take seriously the concerns of the residents of Ward '2' that are opposed to another large building considered being built on our small street. I feel we will be overwhelmed with all these extra cars and congestion and will take away from the lovely area we have known for many years. Please do not allow the Durand Neighbourhood to be ruined by the need of these developers to develop more cement buildings to make more money wherever they can...with no thought to the affect on the present neighbourhood. Thank you. R.White

Planning Student 2

From: KB
Sent: Saturday, April 27, 2013 1:22 PM
To: McPhail, Delia
Subject: File No: ZAC-13-004 public comments

Hello

When I first saw that there were condos being built in this area I was quite surprised.

I have lived here for about 4 years and I have come to realize just how many people in the area including myself have dogs.

I had always thought that this would be the perfect spot for a leash free dog park as the park across the street really isn't quite appropriate.

Since that park is mainly for people in the area, a dog owner cannot allow their dogs to run free not to mention it's against the law and there is too much traffic.

The closest leash free park is at Dartnell Road on the very east mountain. Many of the residents in this area are elderly, myself having medical issues and many people do not drive which makes that park inaccessible.

What a great place this remaining undeveloped area would be for this much needed leash free dog park.

Many of the comments I have heard from the people who live in this area is that they wouldn't buy one of these condos as they are too small for the price they want. There are many other co-op and condo buildings in the area.

Perhaps if my idea of a leash free dog park is laughed at then maybe you could entertain the idea of sectioning off a part of the park across the street on Charlton Ave. to create a leash free dog park. It would go a long way to serve the people in this area.

Thank you
Korie Gooderham
804-126 Charlton Ave. W
Hamilton Ont

Planning Student 2

From: Ernie Geisel
Sent: Monday, April 29, 2013 3:09 PM
To: McPhail, Delia
Subject: Zoning Amendment Application File No. ZAC-13-004

To

Re Zoning Amendment Application File No. ZAC-13-004

220 Park Street South and 90 Charlton Ave W, Hamilton

Hello;

I live at 38/40 Charlton Ave W.. My co-op unit faces the site of the above proposed development zoning change in the city block squarely due west from me and gives rise to concern with regard to the proposed density and height increase in phase 3.

I am a former high-rise builder/developer in the downtown area (The Durand and The Olympia) and have no quarrel with that part of any development which originally conformed with the existing zoning and building requirements of its site, but I am concerned about subsequent variations and their underlying motives that may affect me and my neighbours unduly.

Is it possible to obtain from you the **original** zoning and building information that supported the **original** building permit i.e. the residential total floor area, number of units and height of the building?

If necessary I could come in the your office.

Secondly, in any event, I would like to be on your mailing list with regard to any further information pertaining to this development.

Thank you

Ernie Geisel

303-38 Charlton Ave W.

Hamilton, ON

L8P 2C1

Planning Student 2

From: Kirstin Paisley
Sent: Monday, April 29, 2013 3:23 PM
To: McPhail, Delia
Subject: ZAC-13-004, 220 Park St S

Further to receipt of the notice regarding the Zoning amendment application for a 17 storey building at 220 Park St. S., I am seriously concerned that this application is even being given consideration. This neighbourhood is already densely populated and 156 units on top of the 1st and 2nd phase of development this owner has already received is astounding. The prospect of taking the building from the already approved 4 storeys to 17 stories is mind boggling and will have adverse affects on the entire neighbourhood.

I strongly object to this application and surely hope City Staff agree.

221 Park St. S.

RECEIVED

APR 29 2013

Good Morning Delia:

We are writing this email to express our strong objection to the recent application by New Horizon Development (City Square) Corporation for a Zoning By-law Amendment for City Square. The application requests an increase in the permitted building height from the original application of 4 stories to 17 stories with 159 units as well as a redefinition of the internal building setbacks between the 3 phases of development.

While the effects that this alteration would have if we had been a resident of phase 1 are not something that I can comment on as it does not directly affect my living situation, we cannot imagine the impact that this request would have on those current residents.

We live on the east side of Park Street South between Robinson and Charlton Streets in a complex owned by Midevco Commercial Realty Corporation. The additional requests that have been made by New Horizon is something that we strongly object to and hope that enough information is provided to the Planning Committee for The City of Hamilton to prevent New Horizon from altering their building plan.

Specifically we are most concerned about the lack of sunlight / daylight that a structure that tall would bring to our units. There are several very tall structures currently in the neighbourhood and another one is not something that will contribute to the green space health, or the ability of existing vegetation to survive. We are also very concerned about the effects such a structure would have on the amount of daylight that we would experience within our unit.

Having that many additional residents within a very population dense community is another concern of ours. Additional traffic would be another negative impact on our community here. The proximity of a public elementary school, Central Elementary School and our Durrand Park to New Horizon's site is dangerous. While parking spaces are provided with the purchased units, multiple car families and visitor parking in excess of the spaces provided by New Horizon will make for an intolerable street parking situation. It is already a challenge to find parking spaces for the current residential use of this neighbourhood. The existence of many medical facilities and offices with patient parking is already a difficult situation on these streets. Clearly the increase in population density that would result from additional units is unacceptable.

Additional noise pollution caused with any increase in population density is offensive too. We moved into this community one year ago and have found it a pleasure to live in the downtown area. Our understanding of the intentions of New Horizon's development plan was very clear to us. When we investigated what would be the end result of the construction across the street from us it appeared to be a very upscale, professional site. We had no concerns about living so close to such a building complex. It seemed as if New Horizon had a very neighbourly approach to their complex within this community.

It is our expectation that New Horizon will stay with their original plan, being sensitive to their neighbours and not let additional business greed interfere with their ability to be good neighbours within our Durrand Neighbourhood within the City of Hamilton.

Unfortunately we will be in New York City on May 9th and unable to attend the meeting at Ryerson Recreation Centre. It is our hope that this email, the information provided to you by other stakeholders will be sufficient to prevent New Horizon's application. We would be most interested in any information from that meeting and certainly any information pertaining to additional meetings etc. The sign that has been erected across the street doesn't give complete information regarding a meeting relative to their application.

Please contact us with any further questions or input that you might require from us.

Thank you for your help in protecting our neighbourhood.

Ross and Anne McFarlane

[219 Park Street South, Hamilton ON L8P 0A2]

Planning Student 2

From: Stuart Godsave
Sent: Tuesday, April 30, 2013 9:40 AM
To: McPhail, Delia
Subject: New Horizon, Park St S, ZAC-13-004

Delia

With regards to the application for a 17 storey building on Park St. S @ Robinson St., this application is ludicrous. The initial application by this owner was for a 4 storey building which allowed for the fact of the 3 storey townhomes that are directly across Park Street. As the owner of one of those townhomes I strongly object to this application.

I was admittedly still a little worried over the currently allowed 4 storeys however 17 storeys is frightening, our home will not see the light of day!

I hope common sense prevails and this application is declined.

Stuart
223 Park St. S.

Planning Student 2

From: Edward Nixon <
Sent: Tuesday, April 30, 2013 11:34 PM
To: McPhail, Della
Cc: Robichaud, Steve;
Subject: 17 Storey Application at Park and Robinson - City Square

Re: 17 Storey Application at Park and Robinson – City Square

Some people do spit; throw garbage and other nasty things from their hi-rise units. The higher they are the farther it flies into the back yards of DECENT people. I live 20+ feet away from an 18 story 40 year old slum that is no more than an absolute disgrace. High density developments cause most high level problems and degrade the living standards of the entire neighborhood. They knew the rules before they started construction and there is no excuse for them to want more except for, oh yes, GREED!

Edward Nixon

200 Duke Street

Hamilton Ontario

Planning Student 2

From: John Paisley <[redacted]>
Sent: Wednesday, May 01, 2013 3:46 PM
To: McPhail, Delia
Subject: 225 Park St S - Objection New Horizon Development

Delia

As an owner directly across the street from application ZAC-13-004 I am disheartened by the developers audacity. The development has already been approved for roughly 200 units and to ADD 135 units is incomprehensible.

As a point of clarity, how many units are actually being applied for? The first page of the notice received from the City says "156 dwelling units" however the "Concept Plan" says 159 units?????

3 units is admittedly negligible at these numbers but it just seems another "ploy" by the owner.

Parking, overshadowing existing properties, the existing environment in the Durand and property values of nearby homes, to name a few, are all serious concerns of this outrageous proposal and I hope the City agrees.

John

Planning Student 2

From: Harry Howell <
Sent: Sunday, May 05, 2013 3:23 PM
To: McPhail, Della
Cc: Durand Neighbourhood; Farr, Jason
Subject: zoning by-law (file # ZAC-13-004

We live at 49 Robinson Street and we are very upset that you are now planning to build another apartment building with 17 stories on Park and Robinson. The first building on Charleton was to be 9 stories but when you add the lobby and the roof buildings it is now at least 11 stories high. Now the second building has started and when it is finished it will be at least 13 stories high and now you want to build the third building which will end up being at least 19 stories. I think that adds up to 338 apts. This is far too many for this area and parking in this area is already a problem because of Doctors offices and the Hospital in this over populated area. Your plans are also going to completely block a great deal of daylight to our building as well as many others in the Durand Neighbourhood and this is not acceptable to us. Mr&Mrs Harry Howell, 49 Robinson St. Unit 401 Thank you.

MAY 06 2013

Re File # ZAC-13-004 ^{May 1 2013}

To Dkhon et May Concern.

We the residents of 49 Robinson St, strongly oppose the change or amendment to the property at 85 Robinson St. This would be the third amendment to the original plan. It is very unfair to residents, who agreed that the buildings would not be rental units. The building is being marketed to investors who would then rent them out.

Not only would this put a strain on on street parking, but Robinson St which is used as a through st, would be more congested than ever.

Please take into consideration long term residents concerns

Thank you
David D. Holton
Carawh

May 2, 2013

MAY 07 2013



Mr. Edward John
Senior Project Manager
Development Planning, Heritage and Design
(West Section)
71 Main Street West
Hamilton, On L8P 4Y5

Dear Sir:

I am writing in response to your request for input and comments from residents living in the area of the proposed City Square Development. I would like to express my opposition to the proposed addition of a Third Tower Phase because of its impact on an already congested area.

I have lived at my present address for 10 years and have noticed since the switch to the two-way traffic system a significant increase in traffic congestion in my area (between the John and Bay corridor). The new addition to St Joseph's Hospital and existing medical support service parking has added to the ongoing traffic nightmare.

The cars associated with the 175 units in the Phase I and II development will add to the already saturated traffic system in this area. Phase III, if approved, will add 156 units and associated cars to the total. As well, there is another proposed complex of three 6 storey condos (Charlton Ave East) which will add a further 153 units. All of these condo residents will have to access Charlton Ave. in order to drive to the City Core, Hwy 403 and beyond.

How are these extra cars going to enter into and exit from the traffic flow along Charlton from these developments? A study of the traffic flow, both within the condo parking lots and the surrounding roads, would help resolve this. Has a traffic flow study been completed showing the impact of the additional cars to the already overextended traffic and parking in the area?

On a separate but related topic, there are two issues that I would like raise. In the interest of road safety, would it be practical to :

1. install a pedestrian controlled stop light at Park and Charlton to assist residents and children who wish to safely access Durand Park.
2. replace the "High Collision Area" sign at the corner of Hess and Charlton which was removed some time ago.

I look forward to attending the May 9th meeting regarding the proposed development request.

Sincerely,



Margaret Scime

c.c. Jamie Farr ✓
P. Mallard ✓
S. Robichaud

File No ZAC-13-004

Ernie Geisel

38 Charlton Ave W.
Hamilton, ON
L8P 2C1

May 7, 2013
RECEIVED
MAY - 7 2013

Edward John, B.A., M.A.
Senior Project Manager
Development Planning, Heritage and Design - West Section
71 Main Street West 5th Floor
Hamilton, ON L8P 2C1

Re: Zoning By-Law Amendment Application (File No.ZAC-13-004) 'City Square'

Sir,

On April 29th, I have sent the attached e-mail request to Delia McPhail, but have not received a response whereas the city deadline for submissions is just 2 days away.

Basically I - and others - simply need to know what the original terms of height, density and unit numbers were so I can form an opinion as to the meaning of the requested increase.

As you may know, the developers have cleverly called for a neighbourhood open house on the evening of the 29th which effectively deprives attendants timewise of information they would need to meet your deadline. You may fairly extend that deadline for a few days to allow neighbourhood input once facts and effect become known.

Please may I have a response to my own (attached) query, in time to form my opinion as to the effect of a potential zoning amendment relative height, density and number of suites, and confirmation that I will remain on your mailing list with regard to any further information about this project.

Thank you

Ernie Geisel



To

COPY
4/29/2013

Re Zoning Amendment Application File No. ZAC-13-004
220 Park Street South and 90 Charlton Ave W, Hamilton

Hello;

I live at 38/40 Charlton Ave W.. My co-op unit faces the site of the above proposed development zoning change in the city block squarely due west from me and gives rise to concern with regard to the proposed density and height increase in phase 3.

I am a former high-rise builder/developer in the downtown area (The Durand and The Olympia) and have no quarrel with that part of any development which originally conformed with the existing zoning and building requirements of its site, but I am concerned about subsequent variations and their underlying motives that may affect me and my neighbours unduly.

Is it possible to obtain from you the **original** zoning and building information that supported the **original** building permit i.e. the residential total floor area, number of units and height of the building?

If necessary I could come in the your office.

Secondly, in any event, I would like to be on your mailing list with regard to any further information pertaining to this development.

Thank you

Ernie Geisel
303-38 Charlton Ave W.
Hamilton, ON
L8P 2C1



Sent by email May 8, 2013

Delia McPhail, City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design – West Section

Dear Delia,

Please accept the following as my comments regarding Zoning By-law Amendment Application (File no. ZAC-13-004) of which the deadline for submission is prior to May 9, 2013. I would like the following comments to appear in the staff report and would like to receive a copy of the staff report prior to the public meeting held by the Planning Committee.

A notice was sent by the City to all homeowners who live within 120 metres of the building site on or about the 18th day of April.

The condo owners who purchased units at 90 Charlton Ave. W. (Tower 1 – Phase 1) and the condo owners who purchased units at 85 Robinson St. (Tower 2 – Phase 2) were never informed of the Zoning By-law Amendment Application. Tower 1 has 75 units of which it appears that 69 have been sold and the other 6 are still up for sale by the developer. Tower 2 has 99 units and I was told that 79 have been sold and the other 20 are still up for sale by the developer. That is **148 homeowners** who live within the 120 metres **who have not been formally advised** of the Zoning By-law Amendment Application for the following reasons:

1. Tower 1 and Tower 2 are not registered condos as yet and the purchasers of units in these buildings are not actually listed with the city as home owners (even those that have already moved in). Therefore the city cannot circulate notices of public meeting even though the home owners are within the 120 metres of 220 Park Street.
2. There are no condo boards in existence in either tower at this time, so there can be no condo board notices to the condo owners.
3. Jeff Paikin, the president of New Horizon has stated that it is not a function of the developer, New Horizon Development Group Inc. to advise the condo owners of the proposed Zoning By-Law Amendment.

Therefore the approximately 148 condo owners of Tower 1 and Tower 2 are in a "catch 22" as they have not been notified nor did they receive a notice of the Zoning By-Law Amendment? Many of these home owners are not actually occupants of either tower as yet. There are only a few occupants on the first couple of floors of Tower 1 at this time and Tower 2 has not yet been built.

Some of these 148 homeowners might like to express comments or even object to the Zoning Amendment, but there are two reasons that they cannot provide comments or objections by May 9th. Reason one is that they are not aware that a Zoning By-law Amendment Application has been made and reason two is that a clause in their Agreement of Purchase and Sale prohibits them from "opposing any rezoning or site plan application(s)".

Here is the clause in the condo owner's Agreement of Purchase and Sale:

9. CONSENT TO REZONING AND VARIANCES – The Purchaser hereby covenants and agrees that he or she will not oppose any rezoning or site plan application(s) initiated by the Vendor in respect of the Lands and /or any adjacent lands, nor any other applications ancillary thereto, including without limitation, any applications made for a minor variance before the relevant committee of adjustment or any other government body or authority having jurisdiction, so as to enable a change in the present use of the Lands or any portion thereof, or an increase in the density coverage of the dwelling and parking unit count or yield thereof, or for any lawful purpose, and the Purchaser further acknowledges and agrees that this covenant may be pleaded as an estoppel or bar to any opposition or objection raised by the Purchaser thereto.

I think that the Application for a Zoning By-law Amendment, dated March 5, 2013, was timed so that the 148 existing condo owners and potentially when all units are sold in Tower 1 & 2, the 174 condo owners would not find out about it and might never learn about it. And when a condo owner like myself finds out about the Application, they are told by the developer/vendor, that they are not able to object to anything the developer/vendor applies for. This does not mean that people do not oppose or object but simply they are being told they cannot oppose or object because of a one paragraph clause in their 29 page Agreement of Purchase and Sale with the developer/vendor.

When I wrote to Jeff Paikin, President, New Horizon Development Group Inc. asking his company to notify all the condo purchasers of the Zoning Amendment he declined to do so and he stated the following:

April 29, 2013, 1:28 pm

"We have openly applied to the City and put signs up that clearly state what our intentions are. Furthermore, we clearly state, and **every condo purchaser has signed, that they will not object to anything we apply for.** It is very early in the contract. Clause 9. The planning act clearly states what the City's obligation is for this process and we are following it. What seems to be the issue? This same process with the neighbours is what created City Square I the first place."

April 29, 2013, 7:25 am

I would refer you to paragraph 9 of your contract as it relates to applications coming from New Horizon Development Group for rezoning and variances. For that reason it is not typical to circulate to purchasers for the statutory public meeting. We will inform our purchasers in our own fashion as there is progress in the application.

Barb Henderson

Current Address – 82 Howe Ave, Hamilton ON L9A 1W9

New Address June 2013 – 611 - 90 Charlton Ave. W Hamilton ON L8P 0B4



May 8, 2013

The City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design – West Section
71 Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5
Attention: Delia McPhail

Dear Mesdames and Sirs:

RE: ZAC-13-004

The Durand Neighbourhood Association ("DNA") respectfully requests that the Planning Committee of City Council denies the request to amend the Zoning By-Law for lands at 85 Robinson Street, 220 Park Street South and 90 Charlton Avenue West (the "Site").

The current zoning on the Site is the result of a compromise agreement from 1996 between a former developer, Latco (1986) Developments Limited ("Latco"), the DNA, and the City of Hamilton to avoid an OMB hearing. We attach a copy of the Minutes of Settlement for your review.

The DNA, Latco, and the City of Hamilton agreed that the Site would be developed with one 8 storey building on Robinson Street, a 7 storey building on Charlton Avenue, and a row of 4 storey townhouses on the smaller portion of land at the corner of Robinson and Park. The Minutes of Settlement state at Clause 12 that **this settlement is binding on all subsequent owners** including the current owner and/or developer of the Site, New Horizon Homes.

The DNA has been extremely supportive of the proposed development by New Horizon Homes on the Site up until this surprise re-zoning request to change the 4 storey building on the small corner of land at Robinson and Park to a 17 storey tower. This is almost twice as tall as the other two towers on a much smaller parcel of land.

The DNA actively supported New Horizon Homes' request to increase the number of floors on the first two towers (from 7 to 9 stories for the first tower and from 8 to 10 stories for the second tower). The original plan on the Site was to have the buildings stepped

back 3/4/5/7 stories, instead of the actual 8/9 step back. The DNA even went so far as to write letters of support for New Horizon Homes decreased development fees and the zoning changes.

There are good urban planning reasons for the 4 story mid-density building at this corner of the Site. It is similar in scale to the recent two-storey town houses across the street on Park Street and the Victorian house at Charlton and Park. This provides a good balance of densities and building types on this moderate sized lot. Proposing a 17 storey tower now, after the DNA supported the various density increases in the first two towers, negates all the previous efforts to develop a cohesive plan for the entire Site. It is simply a money grab.

This sort of behaviour is what gives developers a bad name and destroys the good will built up in the community. It is reminiscent of poor urban design proposed by blockbusting developers in the 1970s which was the reason the DNA was formed.

This is not a case of anti-density NIMBYism, but a case of a developer playing a game of bait and switch and using the goodwill of the neighbourhood to advance its project.

The DNA implores you to deny New Horizon Homes' request to amend the Zoning By-law at the Site and to honour the terms of the Minutes of Settlement that apply to the Site.

Yours truly,
Durand Neighbourhood Association Inc.
Per:

Janice Brown, President

MINUTES OF SETTLEMENT

- Between -

DURAND NEIGHBOURHOOD ASSOCIATION INC.
(hereinafter called "Durand")

- and -

LATCO (1986) DEVELOPMENTS LIMITED
(hereinafter called "the developer")

- and -

THE CORPORATION OF THE CITY OF HAMILTON
(hereinafter called "the city")

The parties hereby noted above agree to settle Ontario Municipal Board File No. Z940041 on the following terms which will be included in a site-specific by-law similar to By-law No. 92-197 (The Carter Square By-law in that the building envelopes and building setbacks are specifically defined in the zoning by-law.)

1. Maximum Gross Floor Area

The building fronting onto Robinson Street (hereinafter the Robinson building), the building fronting onto Charlton Avenue (hereinafter the Charlton building) and the remaining Thistle Club building as at 9 January, 1995 shall cumulatively be permitted to have a maximum gross floor area (hereinafter G.F.A.) ratio of 2.25 times the lot coverage (approximately 17,490 sqm or 188,270 sqft.).

2. Maximum Heights

The Robinson Street Building shall have no more than 8 floors. The Charlton Avenue Building shall have a central section of no more than 7 floors and a combination of 3/4/5/4 storey graduation along Charlton Avenue as shown on Schedule "A".

3. Dwelling Unit Cap

The sum total of the dwelling units in both the Robinson Street Building and the Charlton Avenue Building will not exceed 200. If 200 dwelling units are included in one of the buildings, it follows that the other building cannot be constructed.

Handwritten signature and initials, possibly "HF" and "E", in the bottom right corner of the page.

4. Thistle Club Site

The land upon which the Thistle Club stands after the development of the Robinson Street Building, hereinafter referred to as the "Thistle Club site", can be redeveloped upon demolition of the then building as follows:

- (a) a building of a maximum G.F.A. of 2,545 sqm (27,395 sqft) can be constructed provided that the maximum G.F.A. ratio, for the entire development site (i.e. those lands upon which the Robinson Street Building and the Charlton Avenue Building are to be constructed and the Thistle Club site) does not exceed 2.25 times lot coverage;
- (b) the maximum height of the new building on the Thistle Club site shall not exceed 4 storeys;
- (c) permitted uses in accordance with the "E" District and "RT-20" District will be permitted on the Thistle Club site;
- (d) set backs for any construction on the Thistle Club site shall be accordance with the building envelope shown on attached Schedule "A";
- (e) parking for the Thistle Club site will be permitted on the lands upon which the Robinson Street building and the Charlton Avenue building are constructed.

5. Amenity Space for the Charlton Avenue and Robinson Street Buildings

- (a) for the purposes of these Minutes of Settlement, Amenity Area shall be the same as that described in section 2.(2)H.(ja) of By-law 6593 as of January 9, 1995 with a modification such that landscaping, patios and balconies are not included. Landscaping, patios and balconies shall not be considered as amenity area for the purposes of these Minutes of Settlement;
- (b) in regard to the Charlton Avenue Building the developer must provide 4,000 sqft of amenity space. Amenity space to a maximum of 4,000 sqft will not be included in the G.F.A. calculation for the Charlton Avenue Building;
- (c) in regard to the Robinson Street Building the developer must provide 3,000 sqft of amenity space. Amenity space to a maximum of 3,000 sqft will not be included in the G.F.A. calculation for the Robinson Street Building;

- (e) with respect to the Robinson Street building where balconies are enclosed, the resultant increase in G.F.A. will be excluded to a maximum of 7,500 sqft. It is understood that no G.F.A. bonus will be given for a particular balcony unless it is enclosed;
- (f) a site specific by-law will be prepared in a form similar to By-law No. 92-197 (the Carter Square By-law);
- (g) the building setbacks do not include the balconies of each of the buildings in the calculations.

6. Traffic

The developer will provide the services of professional transportation engineers, at the developer's cost, to a maximum of \$7,500.00 to assist Durand in conducting an analysis of through traffic on Charlton Avenue with a view to making recommendations to the City regarding improvement in those patterns on Charlton Avenue.

7. Site Plan Agreements

The developer agrees that it will enter into one or more Site Plan Agreements with the City in the City's standard form.

8. Site Plan Consultation

The Developer undertakes that in the site plan design stage it will do the following:

- (a) provide the Durand with a copy of its proposed Site Plan at the time it is filed with the City and consult in good faith with the Durand on the Site Plan during the site plan process;
- (b) obtain and reasonably consider professional advice regarding the potential of the building design to cause wind shear or cyclonic impacts at the ground level of the Robinson building.

9. Existing By-law 88-261

That which is permitted under By-law 88-261 will continue to be permitted. It must be noted that the developer will have two options for the site; one being that which is permitted under By-law 88-261; and the other option being that which is permitted under these Minutes of Settlement. A hybrid of the two options will not be permitted by By-law 88-261 or the By-law enacted further to these Minutes of Settlement.

Handwritten signature and initials, possibly "HFA" and "ES", in the bottom right corner of the page.

10. Severances

Durand agrees that it will not oppose subsequent applications by the developer for severances to implement the proposed property lines shown on the attached Schedule B for the construction only of one or more of the buildings each described in these Minutes of Settlement as Schedule A .

11. Authorization

The authorization for these Minutes of Settlement from the Council for the City of Hamilton is contained within the Fourth Report of the Planning and Development Committee, as adopted by City Council, at its meeting held 1995 January 10 (copy attached as Schedule "C").

12. Subsequent Owners

The developer agrees to bind subsequent owners to enter into Assumption Agreements concerning these Minutes of Settlement with the Durand and the City.

DATED at the City of Hamilton this 11th day of Jan 1995. *[Signature]*

**DURAND NEIGHBOURHOOD ASSOCIATION
INC.
"Durand"**

*Helene Falken, President of above
Maurice Sheppard, Secretary*

Te Rowe
DATED at the City of Hamilton this 3rd day of Jan. 1995. *[Signature]* *We have the authority to build the corporation*

**LATCO (1986) DEVELOPMENTS LIMITED
"the developer"**

[Signature]
DATED at the City of Hamilton this 19th day of JAN 1995. *[Signature]*
L. Rep. City
A.S.C.

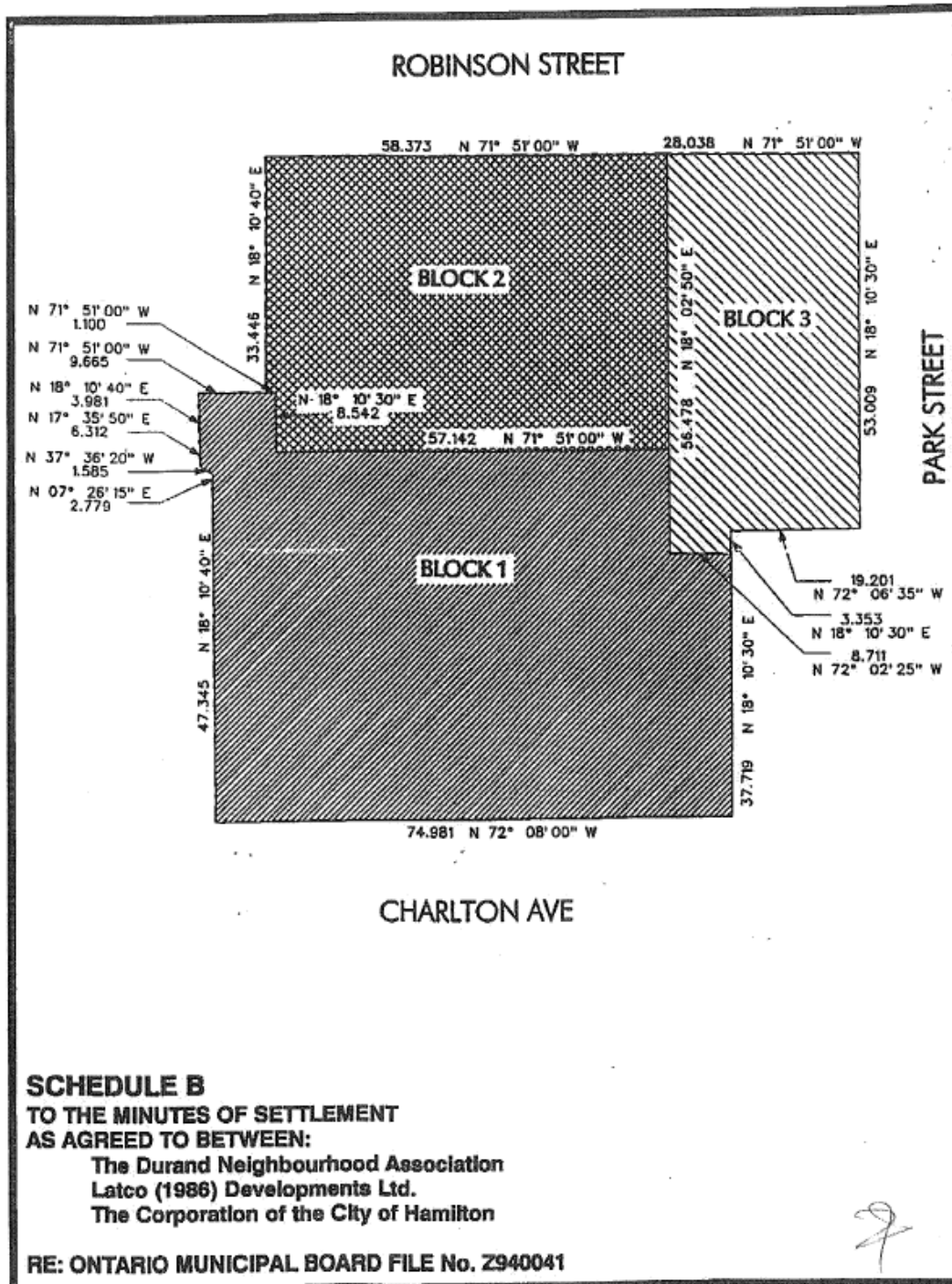
**THE CORPORATION OF THE CITY OF
HAMILTON
"the City"**

[Signature]
ROBERT M. MORROW, MAYOR
ALDERMAN D. DRURY, ACTING MAYOR

[Signature]
JOSEPH J. SCHATZ, CITY CLERK

APPROVED
AS TO FORM
FOR
PNS
CITY SOLICITOR

(dynamis.stl)



SCHEDULE C
TO THE MINUTES OF SETTLEMENT
AS AGREED TO BETWEEN:
The Durand Neighbourhood Association
Latco (1986) Developments Ltd.
The Corporation of the City of Hamilton
RE: ONTARIO MUNICIPAL BOARD FILE No. Z940041

1995 January 10

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **FOURTH** Report for 1995 and respectfully recommends:

1. The compromise reached with respect to amended Zoning Application ZAC-93-17, Latco (1986) Developments Limited, owner, for lands located at 85 Robinson Street (Thistle Club), as shown on the attached map marked as appendix "A", between the owner (Latco (1986) Developments Limited) and the Durand Neighbourhood Association can be supported on the following basis:
 - the existing By-law No. 88-261 is to be amended so that the developer has two individual options for the development of the property:
 - the first option would be to allow that which is permitted under By-law No. 88-261;
 - the second option would allow for:
 - (a) two apartment buildings, one fronting onto Robinson Street and one fronting onto Charlton Avenue, and the remaining Thistle Club building with a maximum gross floor area ratio of 2.25 times lot coverage (approximately 17,490 m² or 188,270 feet²);
 - (b) if/when the remaining Thistle Club building is demolished, the vacant lands would be redeveloped on the following basis:
 - (i) maximum gross floor area of 2545 m² (27,395 feet²);
 - (ii) maximum height of 4 stories;
 - (iii) minimum yard requirements: as per attached Appendix "B";
 - (iv) permitted uses in accordance with the "E" District regulations; and townhouses, street townhouses and maisonettes in accordance with the "RT-20" District regulations;
 - (v) maximum gross floor area ratio, including two apartment buildings in Part (a) above, would not exceed 2.25;

1995 January 10

- (vi) parking will be permitted on the lands upon which the building facing Robinson Street and the building facing Charlton Avenue are to be constructed;
- (c) the following will be established with respect to amenity area:
 - (i) "amenity area" be defined as "an area on the same lot accessory to a residential use, including communal areas such as swimming pools, lounges, and recreation areas";
 - (ii) amenity area will be provided on the following basis:
 - Building facing Robinson Street - a minimum of 278.7 m²(3000 feet²); and,
 - Building facing Charlton Avenue - a minimum of 371.6 m² (4000 feet²);
 - (iii) required amenity area will not be calculated as part of the gross floor area ratio of 2.25 up to maximums as set out below:
 - Building facing Robinson Street:
Amenity area to a maximum of 278.7 m² (3000 feet²) will not be included in the gross floor area calculation;
 - Where balconies are enclosed, the resultant increase in gross floor area will be excluded up to a maximum of 696.75 m² (7500 feet²);
 - Building facing Charlton Avenue:
Amenity area to a maximum of 371.6 m² (4000 feet²) will not be included in the gross floor area calculation;
 - Where balconies are enclosed the resultant increase in gross floor area will be excluded up to a maximum of 836.1 m² (9000 feet²);
- (d) not more than 200 dwelling units in the building facing Robinson Street and the building facing Charlton Avenue combined (not including the remaining Thistle Club lands);
- a site specific by-law be prepared in a form similar to By-law No. 92-197 (the Carter Square by-law);

Handwritten signature and initials, possibly 'HF' and a stylized 'J' or 'D'.

1995 January 10

- the applicant will engage traffic engineers to work with the Durand Neighbourhood Association and make recommendations to the City Traffic Department concerning the traffic impacts on Charlton Avenue; and,
 - the applicant will provide an undertaking to:
 - provide the Durand Neighbourhood Association with a copy of its proposed Site Plan at the time it is filed with the City and consult in good faith with Durand on the Site Plan during the site plan process; and,
 - obtain and reasonably consider professional advice regarding the potential of the building design to cause wind shear or cyclonic impact at the ground level of the building facing Robinson Street.
2. That staff be directed to advise the Ontario Municipal Board that the City supports the compromise as set out in Recommendation No. 1.

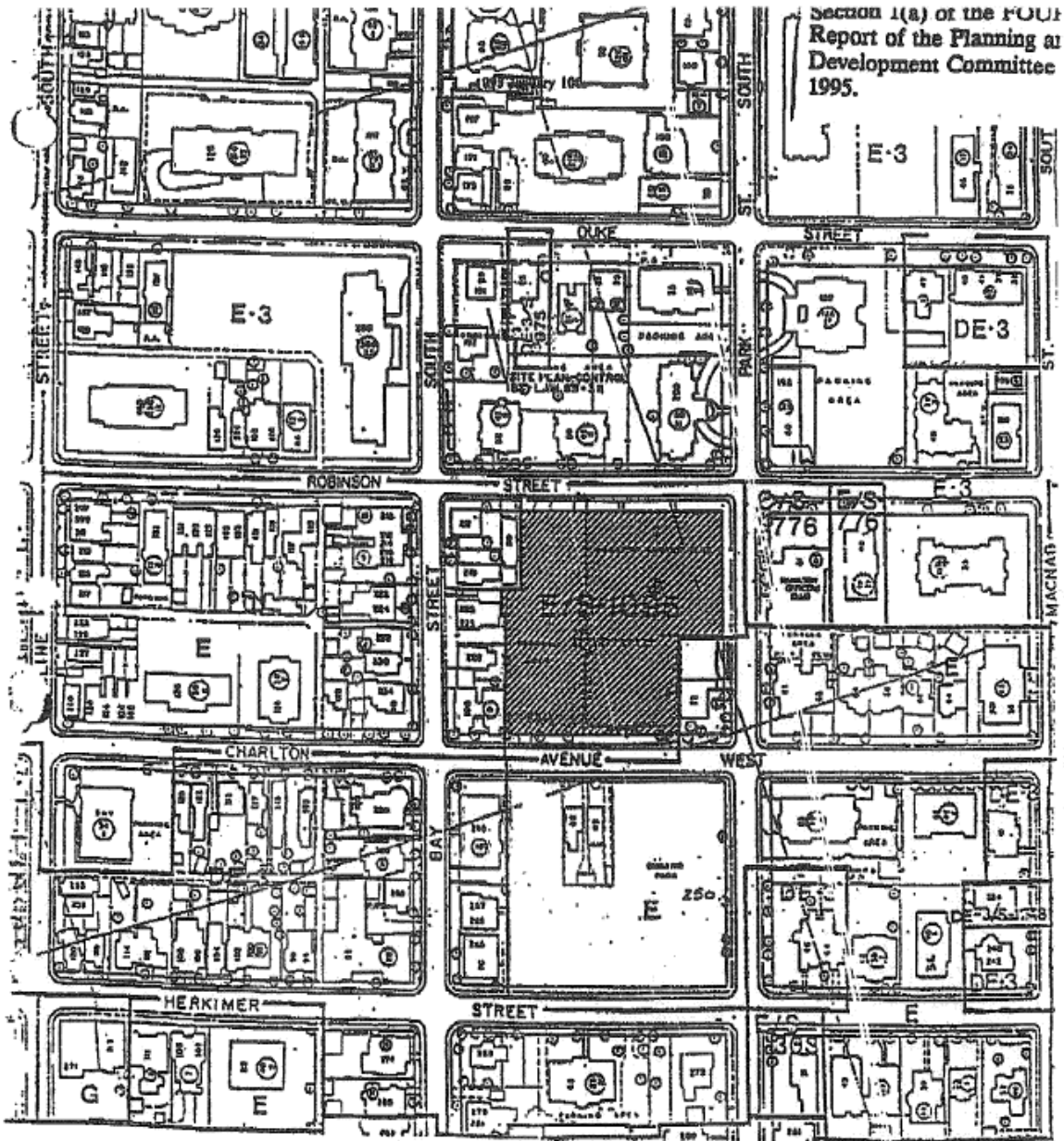
RESPECTFULLY SUBMITTED,

**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT
COMMITTEE**

Stella Glover
Secretary

1995 January 10

HF 



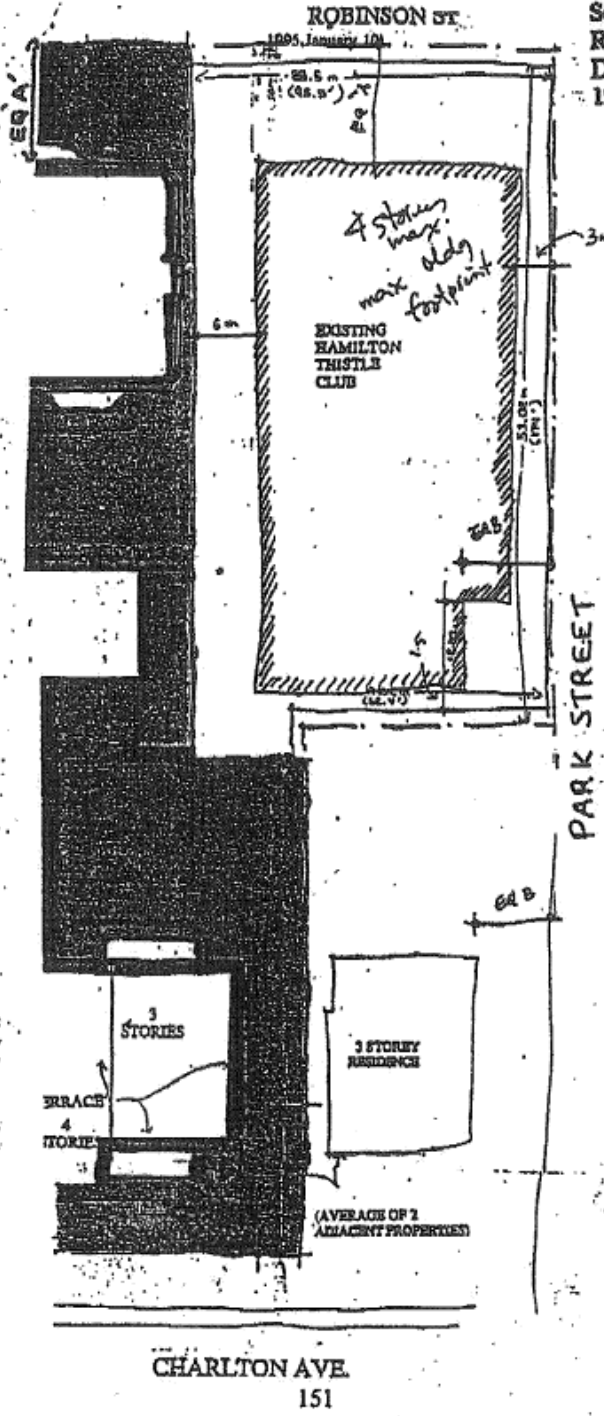
Legend



Site of the Application
150

HF *DS*
ZAC 93-17
APPROVED

Appendix "B" referred to in Section 1(b)(iii) of the FOURTH Report of the Planning and Development Committee for 1995.



HF
APPENDIX B

Charlton Towers Apartments (Hamilton) Ltd

38-40 Charlton Avenue West, Hamilton,
Ontario L8P2C1.

May 8th, 2013

RECEIVED

MAY 08 2013

Delia McPhail, City of Hamilton

Planning and Economic Development Dept.
Development Planning, Heritage and Design – West Section.
71 Main Street West, 5th Floor, Hamilton, Ontario, L8P4Y5.

Re:- Zoning amendment application for New Horizon Development (City Square) for lands at 85
Robinson St, 200 Park St S. and 90 Charlton Ave West.

Re:- Files No ZAC 13-004

Dear Ms McPhail,

On behalf of the Board of Directors of Charlton Towers Apartment (Hamilton) Ltd. We are writing this
letter to voice our objection of the proposed amendment. This is of GRAVE CONCERN due to the effects
of the density and height increase of Phase 3 plus related issues.

In the future we wish to be informed of any issues that might affect our area.

Board of Directors of Charlton Towers Apartments (Hamilton) Ltd.

Yours sincerely,



Denis Garneau.

Secretary

Cc: Councilor Jason Farr, Ward 2.

P. Mallard, Director of Planning, Planning Division.

S. Robichaud, Manager, Development Planning, Heritage and Design

From: Deborah Singh
Sent: Wednesday, May 08, 2013 7:31 PM
To: John, Edward
Cc: Della
Subject: File #ZAC-13-004

Dear Edward John,

Thank you for your message today confirming that an email from me regarding the Notice of Complete Applications and Preliminary Circulation to amend the Zoning By-Law at 85 Robinson St, 220 Park Street South, and 90 Charlton Avenue West, Hamilton would be considered.

I reside with my family at 219 Bay St. South located directly behind the New Horizon Development or City Square Project.

Had I known what we would have to endure since the beginning of the construction of this project thus far, I would have violently objected.

The pounding and vibrating and shouting and throngs of loud trucks circling the block has made it impossible to sleep in past 7:30 am. and impossible to enjoy doing anything outside our home.

We have been unable to sit outside on our porches or patio during the day, have dinner and overnight guests, and if we care to have a barbecue in the evening or on Sunday, it means vacuuming and washing down everything on our patios which takes hours.

We can't even open our windows to get a breeze because if we do the dust and dirt in the house is impossible to keep up with, and so we will be forced again this summer to use our air conditioners driving up our hydro bills.

I don't have a garage, and my car is covered in a layer of dirt every night.

I had all my white woodwork painted on my house to put it up for sale and it is filthy. So are my windows, bricks etc.

Real Estate professionals have indicated that attempting to sell at this time would negatively effect the outcome as a direct result of the further development proposed. Not to mention gardening and trying to keep the house clean and presentable to sell is next to impossible with all this construction going on.

I would like to know if there is anything I can do to stop any further building?

I would also like to know if there is any plan to compensate any of the residents living directly around the complex, that have been impacted negatively as I have?

I would welcome any advice you might have on how to pursue recovery of direct costs incurred as a result of this development.

Thank you for the opportunity to comment and for any information you can provide.

Deborah Singh
219 Bay Street South,
Hamilton
L8P 3J2

Please confirm receipt of this email.

RECEIVED

MAY - 9 2013

May 8, 2013

Planning and Economic Development Dept.
Development Planning, Heritage & Design – West Section
71 Main St West, 5th Floor
Hamilton, Ont. L8P 4Y5

Re: Zoning By-law Amendment Request (File No. ZAC-13-004)

The undersigned are residents of 49 Robinson St., an 11-storey condominium building immediately to the east of this proposed zoning change *from 30 units in a 4-storey edifice to 156 units in a 20-storey edifice* (17 floors plus 3-storeys for mechanical equipment).

The proposed building is an inappropriate change to the plans that have been public since 2008. The builders have had zoning changes approved at least four times since then; the complex at 85 Robinson has grown substantially and this latest huge request for change should not be approved.

The first building, now almost complete, was to be 9-storeys with 62 units; it became 9 storeys plus 3 for the roof mechanics for 66 units; the 201 parking spaces were reduced to 196. Later that same year (2009), the apartment buildings went from 66 units to 80.

The second building was approved in 2012 for 99 units in 11 storeys, which will be 14 with mechanics. No changes/increases were offered for parking for these extra units.

Now New Horizon Development (City Square) is requesting a huge change from 30 units with 4 storeys to 156 units in a 20-storey building. We believe this to be inappropriate to the neighbourhood and a grave disservice to residents for the following reasons:

- the density here is already too great in a residential neighbourhood harboring a hospital, many offices and businesses and many apartment blocks.
- parking is already problematic and this will be intensified by this growth and the fact that the owners charge for a parking place so many residents, particularly renters, will choose to park on the neighbouring streets.
- our 11-storey building will be completely in the shadow of the 20 storeys and will lose most light, sun and all view; our quality of life and condo values will be reduced.
- the extra traffic and parking will further degrade the air quality and any green space originally in the design will be minimal.

We wonder also if the city's infrastructure can cope with the excess garbage, sewage, water needs, etc. that this huge complex requires, without further expense and even greater inconvenience for their neighbours?

CC: Councillor Jason Farr
Durand Neighbourhood Association

See attached for signatures.

Barbara Howard - 701

Lois Greenall #301

{ M. KANE PH2

Marilyn & Ted Helwig #201

Susan & Sheldon Gursing #200

Kate Marie Gould -

#101

Marilyn & Harry Howell unit 401

Clare & Peter Watson #601

Robert and Helen Hadden #801 -

John & Sandra Black #900

- Waco In #501

Beverly Sobel #900

Pat Offora #901

Marg Ann Van Weyk } 300

Susan Walker

Jay Quatt PH1

R. Osborn #600

L. Osbaldeston #800

Harvey Lotner #1001

49 Robinson St., Apt. 900
Hamilton, Ont.
L8P 1Y7
May 6, 2013

RECEIVED
MAY - 9 2013

City Clerk, Planning Committee,
City of Hamilton ^{Heritage and Design}
71 Main St. W, 5th floor
Hamilton, Ont. L8P 4Y5 Attn: Delia McPhail

I am writing to oppose the increased density which a 17-story, 157 unit ~~unit~~ at 85 Robinson St. would add to an already overcrowded area. All along a few-story, 30 unit townhouse structure has been planned and approved.

The proposed building is unacceptable for the following main reasons:

- density is already too great in a residential area which houses hospitals, offices, many garages.
- the parking so far proposed is inadequate for the first two buildings and not addressed for this proposal; there is already insufficient street parking
- a 30-story building (17 floors plus 3 for the roof) would block the light and sun from all gpts. in this building
- increased traffic will further degrade the quality of the air and the buildings do not provide green space

I wonder also if the City's infrastructure can cope with the excess garbage, sewage, water needs and so on that yet another huge apartment complex requires.

Beverley Sobel
Beverley Sobel

cc: Councillor Jason Farr
Dorset Neighbourhood Assn.

Dmk.

Ernie Geisel

38 Charlton Ave W.
Hamilton, ON
L8P 2C1
905-570-0194

RECEIVED
MAY - 9 2013

May 8, 2013

To the
Planning and Economic Development Department
Development Planning, Heritage and Design - West Section
71 Main Street West 5th Floor
Hamilton, ON L8P 2C1

Re: Zoning By-Law Amendment Application (File No.ZAC-13-004) 'City Square'

Whereas I have not received a timely response from you to my e-mail of April 29th, 2013 to Delia McPhail (*as suggested in your notification*) requesting information regarding the original allowable terms of height, density, setbacks and unit number of the above project.

And

Whereas I have visited your department on May 7th and delivered the same request in writing - not being able to meet with one of your named representatives - and received no verbal or written response to my request.

And

Whereas by lack of any response, I have not been given an opportunity to form an opinion in the matter prior to your deadline of May 9th, **I hereby submit my objection to any and all variations from the entitlements by zoning and building bylaws relative the project**, and request standing to and in any pursuant notifications, meetings and decisions in its regard by the City of Hamilton and/or the Ontario Municipal Board.

Please note that my position in this matter is personal as an impacted neighbour, and independent from any others from the same apartment address.

Respectfully

Ernie Geisel



Planning Student 2

From: S. Black
Sent: Saturday, May 11, 2013 6:52 PM
To: McPhail, Delia; Robichaud, Steve
Cc: Farr, Jason; DNA President
Subject: 85 Robinson St re-zoning

Would you please tell us when New Horizon Homes took over this building ownership at 85 Robinson St. Does NHH own this property alone or are they in partnership with some original owners?

At the meeting on Thursday, May 9, attended by Jason Farr and Delia McPhail among many, many others, Jeff Paikin stated very firmly that it had NEVER been his plan to build only 4 storeys as the third bldg. He certainly had to know that that was the zoning, however.

We, at 49 Robinson St., received documents in 2008 from the Planning Division at the City of Hamilton reiterating that Bldg 3 would be 24 units in a 4-storey bldg (later changed to 30 units). That documentation includes drawings showing elevations of the proposed 4-storey bldg.

How can Jeff Paikin get away with saying that he NEVER planned to build only 4 storeys there? Does the City of Hamilton not have more ownership of development than this seems to imply?

Thank you.
Sandra and John Black
49 Robinson St., Apt. 700
hamilton, L8P 1Y7

Planning Student 2

From: S. Black
Sent: Tuesday, May 21, 2013 10:55 PM
To: McPhail, Delia; Robichaud, Steve
Cc: DNA President; Farr, Jason
Subject: ZAC-13-004

This is further to my email of April 23, 2014.

At the meeting on May 9, 2013, a couple of points emerged which need to be followed up. We were pleased when Ms McPhail indicated that the Planning Dept. would continue to accept correspondence on this important matter.

It was discovered that the Planning Dept. had not asked for a traffic study in its requirements for New Horizon Homes' application for this dramatic change to its plans of 17 years. This is already an extremely busy traffic area because of the hospital, offices and many apartment buildings so parking and traffic are a huge issue. We believe that a traffic study is an essential part of any decision on allowing another 20-storey (17 + 3) building on that small lot.

Secondly, it was astounding to hear Jeff Paikin say that a 4-storey building had **never, ever** been in his plans for the area! This despite the fact that his sales representatives used this as part of the attraction of the other buildings and that 4 storeys have always been cited in various circulations from the City of Hamilton. That is dishonesty in the extreme and we would hope that this will figure in the City's deliberations and dealings with Mr. Paikin.

Sandra and John Black
49 Robinson St. Apt. 700
Hamilton, Ontario
L8P 1Y7

McPhail, Delia

From: Kenneth Ockenden <
Sent: August-19-13 12:00 PM
To: McPhail, Delia
Subject: Planning committee

Good Morning,

Here are my comments which I hope you can forward to the appropriate place. If possible, could you also forward a copy to Brian McHattie since I discussed this with him recently. Many thanks----Ken

119 Dalewood Crescent,
Hamilton ON.
L8S 4B8
August 19, 2013.

Planning Committee,
City of Hamilton.

File: ZAC-13-004

Gentlemen:

I am a retired emergency physician and except for a few years I have been a lifelong resident of Hamilton .During that time I have been extremely interested in Hamilton's history and architecture.

Some years ago it was very discouraging to observe the fine old residences of the Durand neighborhood torn down to make way for featureless slabs of apartment buildings towering up to 25 stories over the cityscape. As a regional coroner I had occasion to enter a number of these buildings and their exterior blandness was matched by functional but relatively featureless interiors.

Recently, during my frequent trips through the neighborhood, I was intrigued by the design and beauty of the building on Charlton Avenue known as City Square Tower 1. I took the liberty of exploring further and learned that the building had been built to the highest environmental standards including the use of geothermal power. The design of the exterior as well as the interior apartments demonstrated a real concern for the beauty of the neighborhood, the environment and the city.

After a second similar tower is completed, a third is planned and this letter concerns the height of the third tower. I believe these buildings fit well into the area as well as adding to the density of the area in a non-intrusive fashion. I believe we need more of such carefully designed buildings and I fully support the proposal for rezoning the area to allow Tower 3 to reach a height of 17 stories.

Sincerely,

K.A.Ockenden B.Sc., M.D.

McPhail, Delia

From: John, Edward
Sent: October-23-13 1:58 PM
To: McPhail, Delia
Subject: FW: comments about City Square

From: Farr, Jason
Sent: October-23-13 1:37 PM
To: DePauw, Sonja
Cc: Janice Brown; John, Edward
Subject: Re: comments about City Square

Thank you, Sonja. I have copied Edward John.

From: DePauw, Sonja
Sent: Wednesday, October 23, 2013 11:10 AM
To: Farr, Jason
Cc: Janice Brown
Subject: comments about City Square

Hi Jason.

Just a few thoughts about the City Square issue. Please forward this message to Edward John.

First, Jeff Paikin is a superb salesperson and it's important to keep that in mind when dealing with him, witness the compliments he was throwing out to individuals in the audience, his very reassuring tone of voice, his jovial manner, etc.

A third large tower jammed in beside the others and so close to the street will be very unpleasant and very inappropriate to the neighbourhood, in my opinion. I have maintained since the meeting at Ryerson earlier this year that the proposal for 17 stories was a tactic to start negotiating towards 11 stories, and it seems to me that recent events support this theory. Way back at the beginning when Paikin approached the DNA, at a time when I sat on the Board, he indicated that construction of any third building would depend on the economics of doing so. The discussion was based on this building being no more than 4 stories high since that was understood by all to be a restriction.

The message last night was that the choice was between an 11-storey tower or a 17-storey tower. This is incorrect and a manipulative tactic, based on the assertion that a 4-storey building is not economically feasible. The actual situation at hand is that there are 3 options: 4 or 11 or 17 storeys. It seems clear to me that there were more voices raised against 11 and 17 storeys than in favour. It's up to the developer to decide if he wants to build a 4-storey building or not. The option of not building at all was somehow in the air, as a threat. It's no threat to the neighbourhood as far as I see, but this is once again an impressive sales tactic.

Regards,

Sonja De Pauw
51 Markland St

McPhail, Delia

From: John, Edward
Sent: October-30-13 3:03 PM
To: McPhail, Delia
Subject: FW: City Square

-----Original Message-----

From: Farr, Jason
Sent: October-30-13 11:25 AM
To: John, Edward
Subject: FW: City Square

Jason Farr, Ward 2 Councillor
City of Hamilton, 2nd floor City Hall, 71 Main Street W.
Hamilton, Ont., L8P 4Y5
905-546-2424 ext. 2711
905-546-2424 ext. 4677
Email: jason.farr@hamilton.ca

-----Original Message-----

From: Bert & Shirley
Sent: Wednesday, October 30, 2013 11:22 AM
To: Farr, Jason
Subject: City Square

Jason; WE attended the recent AGM of the Durand Assoc. and support the design as presented by Mr. Paikin.

Bert & Shirley Neil

el support 11 storeys.

Thank
you!

Orneltem
Köseleci

164 Robinson St.

bc

McPhail, Delia

From: John, Edward
Sent: October-30-13 3:04 PM
To: McPhail, Delia
Subject: FW: Development of City Square

From: Barr, Ronald
Sent: October-30-13 12:11 PM
To: DNA President
Cc: jeff@newhorizonhomes.ca; John, Edward; Farr, Jason
Subject: Development of City Square

I was in attendance at the recent AGM of the Durand Association and was struck by two things.

1. The apparent "inadequacy" of the past communication between the developer, the City and the DNA; whether by design or default I cannot judge.
2. The triviality of most of the questions from the floor; a real disappointment.

On balance I support the development of a third tower to a height of 11 floors, with a written commitment involving all parties to have no "slippage" to 14 (or even 17) floors.

Ronald Barr MD

From: Doug Harrison
Sent: Wednesday, October 30, 2013 5:06 PM
To: Jason.farr@hamilton.ca
Cc: president@durandna.com
Subject: !! Storey condo

Hi Jason

I went to both meetings with Mr. Paiken talking. I knew after the first meeting we would have to compromise. I have no issues with the 11 storey. It is unfortunate we did not take a straw vote as you suggested. It would have been an indication how the Duranders who were at the 2nd meeting felt. I got the impression at the meeting that people would have OK'd Mr. Paikins proposal.

Doug Harrison

McPhail, Delia

From: John, Edward
Sent: October-31-13 8:22 AM
To: McPhail, Delia
Subject: FW: 85 Robinson

From: Farr, Jason
Sent: October-30-13 9:01 PM
To: John, Edward; Jeff Paikin
Subject: Fw: 85 Robinson

From: Kenneth and Rebecca Post
Sent: Wednesday, October 30, 2013 3:23 PM
To: Jason.farr@hamilton.ca
Subject: 85 Robinson

Hello Jason:

I live in the neighbourhood at 399 Hess St. S. I disagree with some of our friends on the DNA. The developer at the above location has built some beautiful buildings which will reinvigorate the neighbourhood. He should be encouraged not attacked. His buildings have earned him the right to proceed as he wishes.

On the other hand, the owners of the burned out apartment building at the corner of King and Hess have clearly been acting in bad faith. Their snail's pace and mediocre rebuilding should have brought city wrath on them long ago. Moreover the building across from the LCBO on Dundurn should have been condemned and torn down many years ago and should be now. The city should not lower tax rates on empty buildings. This creates an incentive to do nothing and spec them.

Ken Post

McPhail, Delia

From: John, Edward
Sent: October-31-13 11:47 AM
To: McPhail, Delia
Subject: FW: DNA - AGM - New Horizon Homes

From: Lydell Andree Wiebe [<mailto:>]
Sent: October-31-13 11:44 AM
To: Janice Brown
Cc: Farr, Jason; Jeff Palkin; John, Edward
Subject: Re: DNA - AGM - New Horizon Homes

Dear Janice, Jason, Jeff, and Edward:

As a new homeowner in the Durand neighbourhood, I am writing to express my support in principle for the proposed 11-storey tower at City Square. I love the historical character of the neighbourhood, and I also love the density achieved by having a mix of single-family and multi-unit dwellings: this provides a market that allows local shops and restaurants to thrive. Considering the number of apartment buildings already in the neighbourhood, I do not feel that another tower where there is currently an empty lot will have a significant adverse impact on the neighbourhood. (I would feel differently if a heritage structure was being demolished to make way for this development.) My greatest concerns are with traffic and street parking in the area, but provided that the relevant issues are adequately addressed, I would support the proposed 11-storey tower.

Sincerely yours,
Lydell Andree Wiebe
120 Markland Street

On 30 October 2013 07:23, Janice Brown wrote:

Dear Duranders,

City Square and the Third Tower

"No two men ever judged alike of the same thing, and it is impossible to find two opinions exactly similar, not only in different men but in the same men at different times." ~Michel Montaigne

I found this quote to be quite fitting for the very intense and sometimes unsettling circumstances that we experienced with the proposals for the third building in the City Square Development located at 85 Robinson.

Brief History

The current zoning is the result of a compromise agreement in 1996 between a previous developer and the DNA that avoided going to the OMB. The developer and the DNA agreed that the site would be developed with an eight-storey building on Robinson, a seven-storey building on Charlton and a row of four storey townhouses on the smaller site at the corner of Robinson and Park. This agreement was binding on all future owners, and the property was flipped many times before the current owners finally were able to go ahead.

The DNA was supportive of the previous development projects (putting many hours into meeting with the developers). This support continued with the minor variances regarding increased height and a number of dwelling units for both Towers 1 and Tower 2. The DNA had no knowledge of a final approval in December 19 2012 for a shared lobby with Tower 2, nor the surprise Zoning Application to increase the height from 4 storeys to 17 storeys and dwelling units from 32 to 156.

Jeff Paikin held a meeting in May where over 100 upset Duranders voiced their outrage over his new plans for the third building.

Jeff Paikin then asked to meet with the Board in early October of this year and presented his latest proposal to build a third tower of 11 stories rather than the 17 storeys that we heard about in May. It was to be joined to the second tower with a lobby in the middle. This was to service entry into both towers. Mr Paikin presented, we questioned, and then asked him to leave so that we could discuss. Mr Paikin was seeking DNA's approval. It was obvious that evening that the Board was divided but we all agreed that we needed to hear from Duranders. Jeff had already accepted an invite to be our guest presenter at the AGM. This provided an excellent forum. It also provided the Board with the opportunity to gage the reaction as well as the concerns of Duranders.

Following the AGM, the Board decided to take no position. The Board members ascertained that there was not a consensus with Duranders. However, we did make note of all of your concerns and issues and will be proactive in helping to address them on your behalf. We are suggesting that you personally write your letters to Jeff Paikin, Councillor Farr, Edward John, and of course the DNA.

jeff@newhorizonhomes.ca

Edward.John@hamilton.ca

Jason.farr@hamilton.ca

president@durandna.com

Yours Sincerely,

Janice Brown,

President, Durand Neighbourhood Association

McPhail, Delia

From: John, Edward
Sent: November-01-13 8:23 AM
To: McPhail, Delia
Subject: FW: 85 Robinson

From: Farr, Jason
Sent: November-01-13 7:40 AM
To: John, Edward
Subject: Fw: 85 Robinson

From: Kenneth and Rebecca Post
Sent: Thursday, October 31, 2013 4:57 PM
To: Farr, Jason
Subject: Re: 85 Robinson

Pass it along Jay, if you wish. What's your view on these two issues? Ken
On 2013-10-30, at 9:01 PM, Farr, Jason wrote:

Thank you, Ken. I will pass this along to the City Planner with your permission.

Jay

From: Kenneth and Rebecca Post
Sent: Wednesday, October 30, 2013 3:23 PM
To: Jason.farr@hamilton.ca
Subject: 85 Robinson

Hello Jason:

I live in the neighbourhood at 399 Hess St. S. I disagree with some of our friends on the DNA. The developer at the above location has built some beautiful buildings which will reinvigorate the neighbourhood. He should be encouraged not attacked. His buildings have earned him the right to proceed as he wishes.

On the other hand, the owners of the burned out apartment building at the corner of King and Hess have clearly been acting in bad faith. Their snail's pace and mediocre rebuilding should have brought city wrath on them long ago. Moreover the building across from the LCBO on Dundurn should have been condemned and torn down many years ago and should be now. The city should not lower tax rates on empty buildings. This creates an incentive to do nothing and spec them.

Ken Post

McPhail, Delia

From: John, Edward
Sent: November-01-13 8:34 AM
To: McPhail, Delia
Subject: FW: City Square

From: Barb Allen
Sent: October-31-13 9:07 PM
To: Farr, Jason
Cc: John, Edward; president@durandna.com; Barb Allen
Subject: City Square

Councillor Farr, Re: City Square

Thank you for attending the recent DNA AGM.

I would like to comment the request for drastic changes to the original plans for the Thistle Club site:

I am extremely upset that the City can never seem to follow through on zoning decisions like the one cited below that concerns the property that is currently being developed as City Square.

"The current zoning is the result of a compromise agreement in 1996 between a previous developer and the DNA that avoided going to the OMB. The developer and the DNA agreed that the site would be developed with an eight-storey building on Robinson, a seven-storey building on Charlton and a row of four storey townhouses on the smaller site at the corner of Robinson and Park. This agreement was binding on all future owners, and the property was flipped many times before the current owners finally were able to go ahead." ... from the DNA website.

Durand already has a high density. Once again a developer is promising what? – a few more tax dollars? But in turn will leave our neighbourhood much more congested. Why can't other councillors invite developers to build numerous high rises in neighbourhoods in their wards, instead of dumping them on Ward 2.

Please, enough is enough!

Barb Allen
17 –231 MacNab St S
Hamilton

McPhail, Delia

From: John, Edward
Sent: November-04-13 7:53 AM
To: McPhail, Delia
Subject: FW: DNA - AGM - New Horizon Homes

From:
Sent: November-03-13 9:13 PM
To: jeff@newhorizonhomes.ca; John, Edward; Farr, Jason; president@durandna.com
Subject: Re: DNA - AGM - New Horizon Homes

Thank you for the opportunity to provide input into this very important issue for our neighbourhood. I'd also like to thank Jeff Paikin, Edward John, and Councillor Farr for attending the recent AGM for the Durand Neighbourhood Association (DNA) and providing valuable information to those in attendance.

Growing up on the "mountain", I always saw the downtown area of Hamilton as a place I never wanted to visit, and quite frankly, never did. Nothing was appealing about it, and I had everything I needed only a short car ride away. Then, I started to go to McMaster University for engineering, and by taking the HSR daily, I was required to spend time in the core and the surrounding neighbourhoods waiting for buses, or meetings with friends over coffee or a meal. Following graduation, I decided to move to the Durand neighbourhood, and for the past decade have loved living here. The neighbourhood has a touch of charm and character absent from other areas of the city, and is walking distance to the ever-evolving downtown area. It's close to fabulous restaurants, businesses, St. Joseph's hospital, the GO Station, etc...

As I mentioned, I love living in the neighbourhood, and I can almost guarantee that everyone else in the area, and certainly those on the DNA, love the area just as much. For that reason, I cannot understand why the DNA seemingly wants to quell development in the area. I applaud Mr. Paikin and his drive and initiative in helping to redevelop Hamilton, particularly near the downtown core. As a neighbourhood association, we should be welcoming this development with open arms. It opens up our neighbourhood, showcases it to other Hamiltonians and people from around the area, and puts more residents near the core. It is a development that will stand for generations to come. I cannot see how such a development is poor for the neighbourhood. Traffic impacts will be negligent given the proposed expansion of the development (FYI, I believe it is a waste of municipal resources to conduct an existing traffic count on Charlton as was suggested at the meeting), and there are several other taller buildings in the surrounding area, so I do not buy the 'visual impacts' argument.

In short, I endorse what Mr. Paikin presented at the AGM for an 11-storey third tower on the site. While I assume it's probably too late, I would also fully endorse an 17-storey third tower on the site. For Hamilton to prosper, we need people living in the core...this would help accomplish that.

Once again, thank you for the opportunity to provide my input on this matter. If anyone would like to discuss my issues further, please feel free to let me know.

Regards,
Tim Belliveau

From: Janice Brown
Sent: Wednesday, October 30, 2013 7:23 AM
To: Janice Brown
Cc: Farr, Jason; Jeff Paikin; John, Edward

Dear Duranders,

City Square and the Third Tower

"No two men ever judged alike of the same thing, and it is impossible to find two opinions exactly similar, not only in different men but in the same men at different times." ~Michel Montaigne

I found this quote to be quite fitting for the very intense and sometimes unsettling circumstances that we experienced with the proposals for the third building in the City Square Development located at 85 Robinson.

Brief History

The current zoning is the result of a compromise agreement in 1996 between a previous developer and the DNA that avoided going to the OMB. The developer and the DNA agreed that the site would be developed with an eight-storey building on Robinson, a seven-storey building on Charlton and a row of four storey townhouses on the smaller site at the corner of Robinson and Park. This agreement was binding on all future owners, and the property was flipped many times before the current owners finally were able to go ahead.

The DNA was supportive of the previous development projects (putting many hours into meeting with the developers). This support continued with the minor variances regarding increased height and a number of dwelling units for both Towers 1 and Tower 2. The DNA had no knowledge of a final approval in December 19 2012 for a shared lobby with Tower 2, nor the surprise Zoning Application to increase the height from 4 storeys to 17 storeys and dwelling units from 32 to 156.

Jeff Paikin held a meeting in May where over 100 upset Duranders voiced their outrage over his new plans for the third building.

Jeff Paikin then asked to meet with the Board in early October of this year and presented his latest proposal to build a third tower of 11 stories rather than the 17 storeys that we heard about in May. It was to be joined to the second tower with a lobby in the middle. This was to service entry into both towers. Mr Paikin presented, we questioned, and then asked him to leave so that we could discuss. Mr Paikin was seeking DNA's approval. It was obvious that evening that the Board was divided but we all agreed that we needed to hear from Duranders. Jeff had already accepted an invite to be our guest presenter at the AGM. This provided an excellent forum. It also provided the Board with the opportunity to gage the reaction as well as the concerns of Duranders.

Following the AGM, the Board decided to take no position. The Board members ascertained that there was not a consensus with Duranders. However, we did make note of all of your concerns and issues and will be proactive in helping to address them on your behalf. We are suggesting that you personally write your letters to Jeff Paikin, Councillor Farr, Edward John, and of course the DNA.

jeff@newhorizonhomes.ca

Edward.John@hamilton.ca

Jason.farr@hamilton.ca

president@durandna.com

Yours Sincerely,

Janice Brown,

President, Durand Neighbourhood Association

McPhail, Delia

From: Mary Therese Gervais <
Sent: November-23-13 7:59 AM
To: McPhail, Delia; Janice Brown
Subject: ZAC-13-004

Firstly, as a resident of 20+ years, we were NEVER notified of proposal to change the 4 storey townhouse project to a 17 Storey high-rise.

Reduction to 14 does not answer why 4 storey was abandoned.

I disapprove, let's go back to the original agreed-up 4 storey townhouse complex

M.T. Gervais

McPhail, Delia

From: Mary Therese Gervais <
Sent: November-23-13 8:47 AM
To: McPhail, Delia; Janice Brown
Subject: Correction on earlier e-mail ZAC-13-004

I incorrectly said the re-zoning was to be 14 storeys high. It should have read 11.

My mind has not changed - the original TOWNHOUSE proposal, should be what is built ..

M.T. Gervais

Nov 22/2013

Re: Attached

RECEIVED
NOV 26 2013

Dear Mrs McNeil,

No objection from me (own a 4 unit
residential in the area)

Great concept, great architecture, great
addition to the central ave.

Yours truly,
Robert McNeil

44 HERKIMER

MCNEIL ROBERT
44 HERKIMER ST
HAMILTON ON L8P 2G4

80

P.S. keep up the good work!

217 Park Street South
Hamilton, Ont. L8P 0A2

November 26, 2013
Via email delia.mcphail@hamilton.ca

City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design – West Section
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Attention: Delia McPhail

Dear Ms. McPhail,

Re: 85 Robinson Street and 220 Park Street South
File No: ZAC-13-004

In July 2008, as a property owner on Park St. South, I received a request from the City of Hamilton to allow re-zoning for 3 apartment buildings on the old Thistle Club property. The buildings to go up at 90 Charlton and at 85 Robinson streets were originally to be 7 storeys and later to be 9 storeys high with 66 units each, while the building at **220 Park St. South** was to be **4 storeys with 24 units**. The 4 storeys and 24 units are reflected in the body of the request and in the attached site plans. Please see Reference file # ZAC-08-032. This was followed one year later by a request to increase the number of units in the first 2 buildings to a total of 190, **still with the 4 storey building at 220 Park St. South and 24 units** (Reference file # HM/A-09). Suddenly out of the blue in April 2013, I received an "Applications and Preliminary Circulation to amend the Zoning By-law" which requested an amendment to the zoning regulation in order to allow the construction of a **17 storey building, having 156 dwelling units**, to be located at the southwest corner of Robinson Street and Park Street South. This is a gigantic change from the original requests (July 14, 2008 & June 2, 2009) which indicated plans for a 4 storey building containing 24 units. The most recent application (November 21, 2013) to change both 85 Robinson and 220 Park St. **to 11 storeys and 105 dwelling units** each is still a considerable and unwarranted change. From the various applications received to date, it appears that there will be a total of 295 or more new units in this area. I am therefore writing to register my **formal objection** to this latest request.

The following are my objections and comments:

1. As a property owner in the immediate vicinity of the New Horizon Development (City Square) site, I have received every notice sent out by the City of Hamilton for proposed amendments to by-laws on behalf of City Square. The **original application proposed 4 storeys and 24 units** for 220 Park St. South (Reference files #ZAC-08-032 and #HM/A-09). However, the **Notice of REVISED Application to amend the Zoning By-Law** for File No. ZAC-13-004 dated November 21, 2013 states "**the original application proposed 17 storeys and 159 dwelling units**. To my mind this is incorrect and very misleading. It completely negates the original application ZAC-08-032 dated July 8, 2008 and revised July 14, 2008 which states in part:
The effect of the Zoning By-law Amendment is to permit high density development consistent with related development in this area in the form of two 62 unit, 9 storey buildings and **one 4 storey, 24 unit building** with underground parking spaces for visitors. The two 9 storey buildings will front onto Robinson St. and Charlton St. West and the **4 storey building will front onto Park Street South.**
2. It is my understanding that the City of Hamilton entered into a formal agreement between the property owners/developers of the former Thistle Club property and the Durand Neighbourhood Association which stated in part that the property at 220 Park St. South would be 4 storeys and 24 units. **This agreement was duly notarized by all three parties and was understood to be legally binding on not only the three signees but all future owners and developers of that property.** To date this agreement has been ignored.
3. The population density within this part of the Durand neighbourhood is already too high with parking spaces on the street at a premium. Furthermore, Charlton, Park and Robinson are major arteries with heavy regular traffic. Charlton and Park Sts. are also busy bus routes. The addition of nearly 300 more dwelling units with their attendant vehicles crowding onto the streets in this area will cause increased congestion and possibility of accidents. At the very least, a traffic study should be done during peak business hours before a decision is made regarding this application.
4. The addition of nearly 300 new dwelling units will put an additional strain on the infrastructure of the area, especially the roads and sewers. Has a study been done to determine the capacity of the infrastructure in this area?
5. The site plan shows "green space" in the centre of the property and solid building close to Park St. The little or no landscaping visible to the street side would not only be unattractive and stark in appearance, but give a closed in feeling to the streetscape in that area. This effect would be magnified by the fact that the main entrance to 220 Park St. S. will be on Robinson St.

6. The fact of the closeness to the street of the building at 220 Park St. South will increase the amount of shadow from the 11 storey building on the 2 storey townhouses directly across the street. Given the width and height of the new building, a new shadow study should be done to determine the extent of this problem.
7. With the 11 storey condominium directly behind on Robinson St. and the proposed new 11 storey condominium directly across the street on Park, the townhouses at 215, 217, 219, 221, 223 and 225 Park St. South will be completely dwarfed and heavily shadowed which will have a negative effect on their property values.

I am therefore respectfully requesting that city staff and council deny this application and honour the original application for 4 storeys and 24 units at 22 Park St. South to which the City of Hamilton is a signatory.

Yours sincerely,

D. Joan Eagle, B.Sc.N., M.N., M.Sc.
Associate Professor (ret), McMaster University
217 Park St. South,
Hamilton, ON, L8P 0A2

cc. Edward John, Senior Project Manager, Development Planning, Heritage & Design
S. Robichaud, Director of Planning, Planning Division
P. De Iulio, Acting Manager, Development Planning, Heritage and Design
Janice Brown, President, Durand Neighbourhood Association
Councillor Jason Farr, Ward 2

McPhail, Delia

From: John, Edward
Sent: November-27-13 11:56 AM
To: McPhail, Delia
Subject: FW: Project ZAC-13-004

FYI and for file.

Thanks

From: Mary Therese Gervais [mailto:mary.gervais@newhorizonhomes.ca]
Sent: November-27-13 9:26 AM
To: jeff@newhorizonhomes.ca; Farr, Jason; John, Edward; Janice Brown
Subject: Project ZAC-13-004

On November 22/13, in the mail, (200 Bay St. S. #1111), I received a notice of Application for re-zoning from 17 to 11 storeys, on the above project.

I e-mailed D. McPhail re my objections. That I felt that the original approved 4-storey townhouse project should stand. I received acknowledgement of this e-mail from Ms. McPhail.

F.Y.I.

Mary Therese Gervais

RECEIVED
DEC 11 2013

D.M.

RECEIVED
DEC 11 2013

Ernie Geisel

38 Charlton Ave W.
Hamilton, ON L8P 2C1

To:
The Planning and Economic Development Department
of the City of Hamilton
71 Main Street West, 5th floor
Hamilton, Ontario L8P 4Y5

hand delivered December 11, 2013

Revised Zoning Amendment Application File No. ZAC-13-004
85 Robinson Street, 220 Park Street South and 90 Charlton Ave W, Hamilton

I live at Charlton Towers 38/40 Charlton Ave W. My co-op apartment unit squarely faces the site of the above proposed offensive development due west from me giving rise to multiple concerns.

I am a former high-rise builder and/or developer in the downtown area (including The Durand, The 35 storey Olympia, Bay 200).

Though I may not agree, I have no retro-quarrel or comment with that part of the above development which has been originally approved, but I am concerned about seemingly endless ad hoc variations underlying the monetary (speak greedy) motives that will affect me personally and the entire neighbourhood and in my opinion constitute an adulteration of planning principals which I, as a former high-rise developer obeyed. It seems that the amendments are getting ever more unsound.

I wish to have standing to appear before any public meeting, planning board meeting or Ontario Municipal Board meeting pertaining to this development.

I also wish to state here that - contrary to the express concerns of the Charlton Towers management - my concerns are with issues of planning and development and not with traffic issues which I entrust to traffic experts. I also ask that I may later add relevant photos showing the effect of the appalling architect's rendering of the proposed amendment.

Thank you, Ernie Geisel



copy also delivered to:
The City Clerk, Planning Committee
City of Hamilton
71 Main Street West, 1st floor
Hamilton, Ontario L8P 4Y5

McPhail, Delia

From: S. Black
Sent: December-11-13 3:07 PM
To: McPhail, Delia
Cc: DNA President; Farr, Jason; John, Edward
Subject: File ZAC-13-004

We are writing to object strongly to the City Square application to replace zoning for 30-unit 4-storey townhouses with an 11-storey + 3-storey building having 105 units.

When City Square bought this land, they were aware of and, thus, agreed to a firm, existing commitment to the building of only four storeys on this site. In the years since that agreement, people have bought into neighbouring buildings and into City Square's own buildings, convinced by their drawings and City Square sales pitches, that the height would be four storeys. Yet Jeff Paikin, the president of City Square, declared firmly at the May 9, 2013 public meeting that he had never intended to build to that height.

The City should deny this application on that basis alone since there is no integrity in this developer.

Further, Mr. Paikin has already obtained zoning changes for his other two buildings on this site - a 7-storey building is now 9 storeys, plus 3 for mechanics, and an 8-storey will be 11 plus 3 for mechanics. While Mr. Paikin chooses to ignore these three extra storeys of height, they add substantially to the mass on this small site and will directly affect the sunlight for neighbouring buildings.

During the October 22, 2013 meeting at City Hall, some negative remarks were made in the audience about people living in The Garrison, immediately to the east of this site. Perhaps a reminder is needed that The Garrison paid a neighbour, where the townhouses on Park St. now are, for its air rights in order to build its 11-storey, 21-unit building.

At this same meeting, Edward John was asked what the City looks for in a development proposal. None of his key points is reflected in this City Square proposal. The value of some intensification, in itself, is agreed on, but, as Mr. John asserted, it has to be *appropriate*.

Mr. John was also asked if this conglomeration of three buildings of 12, 14 and 14 storeys, plus a substantial and separate lobby, were appropriate to this already dense area of many, often tall buildings. As we recall, his answer was non-committal.

The City should not approve this huge intensification on this one site. What was in 2008 to be **148** units in three buildings would now be **284 units!** The City would gain some further taxes but lose, considerably, the attraction for residents to live downtown. Some green spaces and some sunlight and some peace are essential to quality of life and should be preserved for neighbourhood residents.

Nothing about this City Square proposal makes it attractive or a positive addition to the Durand Neighbourhood. The City Square proposal is a step backward to the days of unlimited development when concerned citizens created the Durand Neighbourhood Association.

We urge the City to reject this proposal.

Yours truly,
Sandra and John Black
49 Robinson St., Apt.700
Hamilton, Ont. L8P 1Y7

McPhail, Delia

From: S. Black <>
Sent: December-11-13 6:13 PM
To: McPhail, Delia
Cc: DNA President; Farr, Jason; John, Edward
Subject: File ZAC-13-004; further to my email of earlier on this date Dec.13, 2013

After sending my earlier email, I was out walking and was reminded of a hugely important issue in regard to this request for 105 units in the third City Home building instead of the 30-32 units it is zoned for.

Jeff Paikin is planning to have all cars from all 284 units exit onto and enter from ONE door on Charlton Ave. I was reminded of this watching a car trying to exit onto two-lane Charlton and noticing the difficulty even before 4 pm. Getting in and out will be hugely difficult in the morning and evening, especially, on busy Charlton. This was mentioned at every meeting held on this issue, and years ago when another developer made such a proposal for a much, much smaller density. If City Home is required to stay with the 30 -32 units on Park St., this dangerous traffic congestion will be substantially reduced.

No traffic study was done following City Home's request for 20 storeys. It should be an essential part of the City's consideration of this new request. This is an extremely busy area already with hundreds of daily visits to the hospital and many doctors' offices. We hope that a proper traffic study will be done around this issue.

Thank you.

Sandra and John Black
49 Robinson St. Apt 700
Hamilton, Ont. L8P 1Y7

McPhail, Delia

From: Joe Nemet
Sent: December-12-13 5:17 PM
To: McPhail, Delia
Subject: 85 Robinson Street and 220 Park Street South File No: ZAC-13-004
Attachments: 220 Park St S. Letter.doc

We adopt the objection as filed by our neighbour Joan Eagle attached.

This proposal is one of many piece meal application over the years. This application cannot be considered in isolation without reference to all of the earlier allowances granted.

Joe Nemet
Debbie Watson

215 Park Street South

McPhail, Delia

From: S. Black
Sent: January-13-14 9:15 PM
To: McPhail, Delia
Cc: Robichaud, Steve; Farr, Jason
Subject: Re: File ZAC-13-004; further to my email of earlier on this date Dec.13, 2013

Delia,

I have noticed that I did not thank you for this very useful outline of procedures. In rereading these steps, I have noticed that members of your staff will review zoning change requests "within the policy context of the Hamilton Official Plan". During the Durand NA meeting at City Hall, Edward John said that the official plan limits heights to 12 storeys. As I've said before, but feel should be re-emphasized in this context, Mr. Paikin's latest proposal has 11 storeys of living quarters but is, because of the extent and location of the mechanics for the building, effectively 14 storeys high. We hope this is part of Planning's deliberations.

Thanks again.

Sandra and John Black
49 Robinson St. Apt.700
Hamilton, Ontario
L8P 1Y7

----- Original Message -----

From: McPhail, Delia
To: S. Black
Cc: Robichaud, Steve ; Farr, Jason
Sent: Monday, December 16, 2013 4:41 PM
Subject: RE: File ZAC-13-004; further to my email of earlier on this date Dec.13, 2013

Sandra,

In response to your questions, staff will prepare a report to Planning Committee with a recommendation on the proposal. The report will assess the proposal, taking into consideration all the comments that have been received, both from the public and various City departments, and it will analyze the proposal within the policy context of the Hamilton Official Plan and the Urban Hamilton Official Plan. The elected officials that are members of Planning Committee will decide at the future public meeting whether to accept staff's recommendation or make a different decision. Their decision will be brought forward to the subsequent Council Meeting, following Planning Committee.

Based on the foregoing, a decision has not been made and will not be made until the statutory public meeting has been held. As the notice indicates, individuals may present their comments, in person, should they wish to do so; however, I would encourage also members of the public to submit written comments, so that they may be addressed through staff's report to Planning Committee.

Comments may continue to be submitted after the deadline and staff will do their best to address them through the report; however, their inclusion cannot be guaranteed, as a future public meeting date gets closer.

I trust this answers your questions.

Regards,
Delia

Delia McPhail, MCIP, RPP
Planner II
Development Planning, Heritage & Design Section (East Team)
Planning and Economic Development Department
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5
T: (905) 546-2424 x6663
F: (905) 546-4202
E: Delia.McPhail@hamilton.ca

From: S. Black
Sent: December-16-13 2:11 PM
To: McPhail, Delia
Subject: Re: File ZAC-13-004; further to my email of earlier on this date Dec.13, 2013

Delia,
Thanks for this acknowledgement. I've just noticed that I put in the wrong date in the subject heading as I did still get in ahead of the Dec 12 deadline with the postscript, so it should have been Dec 11 not 13.
I'm taking the opportunity to find out about the process. Is it safe to assume that your dept. now considers the responses along with the developers' proposals and the City's criteria and will make a decision, for or against? If the City decides it wants the project to go forward, only then would a meeting be scheduled? I know many people against it have just not submitted responses because they feel it's a "done deal", which is pretty sad.

Thanks.

Sandra Black

----- Original Message -----

From: McPhail, Delia
To: S. Black
Cc: Farr, Jason ; Robichaud, Steve
Sent: Monday, December 16, 2013 11:43 AM
Subject: RE: File ZAC-13-004; further to my email of earlier on this date Dec.13, 2013

Sandra and John,

This message is to acknowledge receipt of your objections to the above noted application. To date, a meeting has not been scheduled, however you will be notified in due course. During the interim, if you have any questions, please feel free to contact me.

Thank you,
Delia

Delia McPhail, MCIP, RPP
Planner II
Development Planning, Heritage & Design Section (East Team)
Planning and Economic Development Department
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5
T: (905) 546-2424 x6663
F: (905) 546-4202
E: Delia.McPhail@hamilton.ca

From: S. Black
Sent: December-11-13 6:13 PM
To: McPhail, Delia
Cc: DNA President; Farr, Jason; John, Edward
Subject: File ZAC-13-004; further to my email of earlier on this date Dec.13, 2013

After sending my earlier email, I was out walking and was reminded of a hugely important issue in regard to this request for 105 units in the third City Home building instead of the 30-32 units it is zoned for.

Jeff Paikin is planning to have all cars from all 284 units exit onto and enter from ONE door on Charlton Ave. I was reminded of this watching a car trying to exit onto two-lane Charlton and noticing the difficulty even before 4 pm. Getting in and out will be hugely difficult in the morning and evening, especially, on busy Charlton. This was mentioned at every meeting held on this issue, and years ago when another developer made such a proposal for a much, much smaller density. If City Home is required to stay with the 30 -32 units on Park St., this dangerous traffic congestion will be substantially reduced.

No traffic study was done following City Home's request for 20 storeys. It should be an essential part of the City's consideration of this new request. This is an extremely busy area already with hundreds of daily visits to the hospital and many doctors' offices. We hope that a proper traffic study will be done around this issue.

Thank you.

Sandra and John Black
49 Robinson St. Apt 700
Hamilton, Ont. L8P 1Y7